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TOWN of DUXBURY

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Building Code
1955/69.

Protective By-Law
1944/71

*Rules & regula. ... subdiv. of
Land, 1959/70*

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BUILDING CODE

ARTICLE I

SECTION I - GENERAL PROVISIONS

The following provisions constituting a portion of the by-laws of the Town of Duxbury, Massachusetts, shall be known and may be cited as the Duxbury Building Code. It shall be so construed as to secure for the inhabitants of the town the beneficial interest and purposes thereof which are: public safety, health, and welfare through structural strength and stability, and reduction of fire hazard. It shall take effect immediately after it has been approved by the Attorney General of the Commonwealth and has been published or posted as required by law.

SECTION 2 - EXEMPTIONS AND NON-APPLICATION

No building, except one-story, wooden building less than 10 feet square which are not to be used as habitations, and ordinary outbuildings used in connection with a farm shall hereafter be constructed, structurally altered, remodeled, rebuilt, or removed, nor shall the plumbing or electrical wiring in a building be installed, materially altered, or removed unless the proposed work is in conformity with all by-laws of the Town of Duxbury, and a permit therefor has been obtained.

This by-law shall not apply to (A) buildings or structures owned by the United States or the Commonwealth of Massachusetts, (B) buildings for the construction of which a permit from the Commonwealth of Massachusetts is required, (C) bridges, quays, and wharves. Ordinary repairs to structures or any appurtenances thereof, which do not affect the strength or fire risk or violate any requirements of the code may be made without application or permit or notice to the Inspector, but such repairs shall not include the cutting away of beams, or supports, or the removal, change or closing of any stairways or required means of exit or the construction or alteration of soil or waste pipe. If application is made for permit to alter, remodel or rebuild one component part of a building, nothing in this code shall require, under this application, the changing or unrelated component parts of the building to conform to the provisions of the code.

SECTION 3 - VIOLATION

It shall be unlawful to occupy, or maintain any building which subsequent to the adoption of this by-law has been constructed, structurally altered, remodeled or rebuilt in violation of any by-law of the Town of Duxbury, or a building which has been condemned by the Inspector of Buildings as unsafe.

SECTION 4 - VARIATIONS IN SPECIFIC CASES

The Board of Appeals may vary the provisions of this code in specific cases which appears to them to have been contemplated by this code or in cases where its enforcement would involve practical difficulties or unnecessary hardship, and wherein desirable relief may be granted without substantially derogating from the intent and purpose of this code, but not otherwise. The decision in such cases shall be unanimous and specify the variations allowed and the reasons

therefor and such decision shall be filed in the office of the Inspector after the hearing and a certified copy shall be sent by mail or otherwise to the applicant for, or holder of, the permit.

SECTION 5 - CONFLICT WITH OTHER BY-LAWS

Nothing in this by-law shall be construed as repealing or limiting the application of the Zoning By-Law or any other by-law of the town relating to the location or construction of buildings or other structures and when the provisions of this and another such by-law are both applicable, the more stringent provisions shall prevail; provided, however that when a person has obtained a permit under this by-law for the construction, alteration, remodeling or reconstruction of a building or structure, he shall not be required to take out a permit under the Zoning By-Laws for the same work.

ARTICLE II

Section 1 - Building Inspector

The Board of Selectmen shall within 60 days after this by-law takes effect, and thereafter annually, appoint an Inspector of Buildings, who shall hold office until 30 days after the next Annual Meeting of the Town or until his successor has been appointed. No person, however, shall be appointed as Building Inspector, who has not had a least five years experience as a builder, registered civil engineer, registered architect, or as a superintendent, foreman or competent mechanic in charge of construction. The Board of Selectmen may, if at any time it seems expedient to do so, appoint a temporary Inspector of Buildings, an Inspector of Wiring, or an Inspector of Plumbing, whose terms of office shall be determined by the Board.

The compensation for each Inspector so appointed shall be determined by the Board of Selectmen, unless otherwise fixed by vote of the Town.

SECTION 2 - POWERS AND DUTIES OF INSPECTOR

The Inspector shall keep complete records of all applications for permits, the action taken thereof, the date of receipt of request for inspection, the date and nature of the inspection made, and all notices and orders issued by him. The Inspector shall, upon receipt of an application for a permit, inspect the property in question within 48 hours, Saturdays, Sundays and holidays excepted, and issue a permit immediately if work described in application is in conformity with the Duxbury Building Code and Zoning By-Laws. Whenever it has been established that any building is unsafe, or this code has been violated, the Inspector shall, with the approval of the Board of Selectmen, cause to be charged upon the owner or the lessee of the premises or upon the person responsible for any violation a written notice containing a description of the particulars in which the building is deemed unsafe or of the violation together with the order of the Inspector requiring that the building be made safe or vacated; or that any part of a structure erected in violation of the code be removed or of any other action deemed necessary for compliance with the code and work permit issued thereunder.

SECTION 3 - SUBSTITUTE MATERIALS

For the purpose of securing for the public the benefits of new developments in the building industry and yet insuring public safety, the Building Inspector shall make or cause to be made investigations or may accept duly authenticated reports from recognized sources, of new materials or modes of construction, intended for use in the construction of buildings or structures in the community which are not provided for in this code and shall promulgate rules setting forth the conditions under which such materials or modes of construction may be used.

SECTION 4 - APPEALS TO THE BOARD OF APPEALS

Any person aggrieved by an order, decision, issue or refusal of a permit or of application of any part of this code by the Inspector may appeal by filing a written notice with the Board of Appeals within ten days from the date thereof. On receipt of such appeal the Board of Appeals shall give immediate hearing and either affirm, annul, or modify such order or decision or ruling of the Inspector.

ARTICLE III

Section 1 - FOOTING AND FOUNDATION WORK

All buildings shall have foundations of poured concrete, concrete blocks, poured concrete piers or concrete block piers.

Buildings two stories high or over 28 ft. wide shall have poured concrete wall 10" thick or 12" concrete blocks.

Foundation walls of poured concrete ten (10) inches thick shall need no footing.

Buildings with an 8-inch poured concrete wall or concrete block wall shall have footings 8-inches thick and 8-inches wider than the foundation wall.

Concrete piers or concrete block piers shall have concrete footings 8-inches thick and 8-inches larger all around than piers.

Piers shall be spaced not over 8 feet apart.

Anchor bolts for sills shall be optional.

Footings for lally columns shall be of concrete 8-inches thick and 20-inches square.

ARTICLE IV

SECTION 1 - CHIMNEYS AND FIREPLACES

All chimneys and fireplaces shall be built with flues of 8-inch solid brick or 4-inch of brick with fire clay flue lining in all flues. There shall be a clearance of 1-inch between all wood frame and chimney and all chimneys shall extend 2 feet (at least) above high point of roof.

SECTION 2

Foundations for outside chimneys and fireplaces on new houses shall be a 10-inch concrete wall, 8-inches wider than the chimney, formed and poured at the same time as the foundation.

Any outside chimney built after the construction of the house shall be a concrete footing 12-inches thick, with re-inforced rods, and 8-inches wider than the chimney on all three sides, four feet below grade.

All fireplace flues shall be at least 10 per cent of the size of the fireplace opening.

Where an outside chimney makes contact with an outside wall, the wall shall be covered with 15 pound tar felt paper, and all outside vertical joints shall be protected with a seven-eighth inch by three-quarter inch wood ground, imbedded in waterproof mastic. All horizontal contact shall be flashed with lead.

Foundations for all interior chimneys and fireplaces shall have a concrete footing 8-inches thick, and 8-inches wider on all sides than the size of the chimney foundation. The chimney foundation may be made of 8-inch block or 8-inch brick wall.

ARTICLE V

GARAGES

SECTION 1- No garage shall be attached to or form part of a building of other occupancy except as herein provided:

(a) private garages not exceeding seven hundred and fifty (750) square feet in area.

(a-1) a garage not exceeding seven hundred and fifty (750) square feet in area may be attached to or form part of a residence building or a business building if separated from other occupancies by walls, partitions and ceilings of materials to restrict the passage of gases, smoke, and odor from the garage to other parts of the building.

(b) openings from the building into garage shall be restricted to a single doorway; such openings shall be provided with a metal, metal covered, asbestos covered, or solid wooden door and frame of not less than one and three-quarter (1-3/4) inches nominal thickness.

(c) floors shall be without pits or depressions.

In all respects all private and attached garages hereafter erected shall conform with the General Laws of the Commonwealth of Massachusetts.

SECTION 2 - Framing members for garages may be 20 inches on centers.

ARTICLE VI

SECTION 1 - REQUIREMENTS FOR RESIDENTIAL BUILDING

All supporting girts, or girders, to be of a dimension not less than 6" x 8" either solid or built up, and supported by 3½" lally columns not more than 8'0" O.C. with proper concrete footings. The outer ends of these timbers shall be supported by foundation walls with a minimum bearing of not less than 4 inches.

SECTION 2 - Sills shall be of 4" x 6" either solid or built up and where spans over openings exceed 4'0" shall be reinforced with a header equal to the size of the floor timbers.

SECTION 3 - Where conventional type framing is used, it shall be of box type.

SECTION 4 - All outside walls and bearing partitions shall be of 2" x 4" not more than 16" O.C. Non-bearing or non-supporting partitions shall be of 2" x 3" or 2" x 4" not more than 16" O.C.

SECTION 5 - Outside walls, roofs, sub floors shall be of material not less than 5/8" in thickness or of a nature and quality and thickness as approved by the Building Inspector.

SECTION 6 - Floor timbers to be of sizes and materials on chart, (in Section 14) and spans over 8'0" shall be bridged either solid or 1" x 3" spruce. All openings for chimneys, stairways, etc., shall be doubled on all sides with materials of same dimensions. Double floor joists shall be placed under partitions running in same direction as joists if such partitions are over 10" long. Said double timbers may be spaced not over 4" apart to allow for pipes or ducts.

SECTION 7 - Attic ceiling joists and rafters to be of materials and spans designated by chart. All openings doubled on all sides, with materials of same.

SECTION 8 - Corner posts to be of 4" x 6" solid or built up and diagonal braced through two bays each way. On full two story construction, corner posts shall be continuous from top of sill to under side of second floor plate with diagonal bracing on each floor.

SECTION 9 - All plates to be of double 2" x 4" and openings over 4'0" shall be reinforced with a 4" x 4" supported on each end by full thickness of a 2" x 4" stud. Openings over 4'6" shall have 4" x 6" supported in the same manner.

SECTION 10 - Roofing materials can be of wood, asphalt, slate or asbestos.

SECTION 11 - No building shall be moved into or within the Town for a dwelling unless it has been approved by the Building Inspector.

SECTION 12 - Second hand materials used in structural portions of buildings must be approved by Building Inspector.

SECTION 13 - All new residential buildings to be not over two and one-half ($2\frac{1}{2}$) stories in height or a maximum of thirty feet (30 ft.)

Floor joists Sizes for No. 1 mercantable spruce, No. 1 common fir or hard pine for ordinary residential floor loads, when load is evenly distributed.

SECTION 14 - Schedule of frame size and maximum span. All floor timbers spaced not over 16" O.C. Floor load figures at 50 lbs. per square ft. of floor area. Construction Grade.

Floor Joists

size	Max.Span Spruce	Max. Span Fir
2 x 6	9'6"	10'0"
2 x 8	13'0"	13'8"
2 x 10	16'0"	16'6"

Ceiling Joists spaced 16" O.C. 20-lb. load per sq. ft.

size	Max.Span Spruce	Max. Span Fir
2 x 6	13'8"	14'3"
2 x 8	18'3"	19'0"

Rafters for pitched roofs.

The span is from plate to ridge or from one support to another, and shall not be over 16'0" for 2 x 6 20" O.C. or 19'0" for 2 x 8 20" O.C. For flat or low pitched roofs up to 5" the maximum span for 2 x 6 shall be 10'0", maximum span for 2 x 8 shall be 13'0".

Rafters 20" O.C. 2 x 6 up to 14'0" horizontal span.
2 x 8 up to 20'0" horizontal span.

Over 10" boards shall have three nails at each bearing.

8" board over opening in outside should figure as same strength.

ARTICLE VII

SECTION 1 - PERMITS

Before erecting, altering, moving, ~~razing~~, adding to, or making any changes in use or type of occupancy of any building or structure, the Owner or his agent shall file an application for a permit with the Building Inspector. No work shall begin until a permit is granted and until the Rules and Regulations of the Planning Board and the Board of Health have been complied with and only when there is no violation of the Zoning By-Laws.

SECTION 2 - The application shall be made under the penalty of perjury. It shall state the location and the dimensions, estimated cost, nature and extent of the proposed work or changes, purpose for which the building is to be used and such other information as the Inspector may require. The application for a permit to erect any building or structure shall be accompanied by plans if required showing the location of such building or structure and the location of the sewage disposal system.

SECTION 3 - Whenever the application does not adequately describe the proposed work in the opinion of the Inspector, there shall also be filed duplicate copies of sufficient plans and specifications and other data. One copy of the plans and specifications properly stamped with the Inspector's approval shall be returned with the permit and kept on the job available for reference.

SECTION 4 - Permits shall be issued within three days after receipt of the application provided the requirements of this law are fully complied with. All permits shall be on numbered blank forms signed by the Inspector and shall state the purpose for which the building is to be used. The permit shall be posted in a conspicuous place on the job and no work shall be done except in accordance with the permit.

SECTION 5 - Nothing in this By-Law shall prevent the Inspector issuing a special permit for part of the work while the application is being examined.

SECTION 6 - Permits shall become void six months after date of issue unless construction thereunder shall have been commenced and continued with reasonable diligence.

SECTION 7 - A suitable fee, as set by the Board of Selectmen shall be charged for the issuance of a Building Permit.

ARTICLE VIII

SECTION 1 - PENALTY FOR VIOLATIONS

A person who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or structure, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and in default thereof to undergo imprisonment for a period not exceeding 30 days.

SECTION 2 - The owner of a building, structure or premises, where anything in violation of this code shall be placed or shall exist, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as therein provided.

SECTION 3 - The imposition of the penalties herein prescribed shall not preclude the Board of Selectmen of the Town of Duxbury from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

ARTICLE IX

PLUMBING

SECTION 1

The inspectors shall inspect all plumbing work for which permits are hereafter granted for construction, alterations or repairs, within two working days after notice that they are ready for inspection, and shall report any violation of any law, ordinance, or by-law relating to plumbing, and also perform such other appropriate duties as may be required by this Building Code.

SECTION 2

- A. Every plumber before commencing work in a building, shall first, except in the case of the repair of leaks, file at the office of the Board of Health, upon blanks provided for that purpose, a notice of the work to be performed; and no such work shall be done in any building except in accordance with plans, to be submitted, if required, which shall be approved by the Inspector of Plumbing and a permit issued therefor. Permits to perform plumbing shall be issued to licensed plumbers only. Permits may be recalled if the conditions are violated.
- B. Any plumbing work other than that of repairing leaks shall be performed only by a licensed plumber. Apprenticeship training under a licensed plumber is permissible under these By-Laws.
- C. Permits are required for all plumbing, the installation of appliances permanently connected to the water supply or drainage system and the installation of domestic water heaters.

SECTION 3

Every building provided with water from the Town or other water supply, shall have a waste water pipe for the conveyance of waste water separately and independently connected with the public sewer, or with a particular sewer, or if there is no sewer, with a sufficient and proper cesspool or septic tank as may be determined by the Board of Health, easily accessible for inspection and cleaning. No drain or sewer from any building shall pass under any other building; neither shall said drain or sewer pass within five feet of the outside of the foundation wall of any building, unless it be of cast iron pipe; the joints of said pipe to be made with molten lead thoroughly calked.

SECTION 4

(a) Drain, Soil and Waste pipes within a building, and for a distance of not less than five feet from the inside of the foundation walls thereof thru which waste water or sewage is used or carried, shall be of cast iron, galvanized soft steel of standard thickness, or harddrawn heavy seamless copper tubing (government specification type M) with full sweated sleeve type joints. With screw type cast iron waste pipe, sleeve type fittings must be used.

Standard cast iron pipe is permitted except in commercial buildings, where acids are used, 3" cast iron (medium weight) can be used as soil stacks on vertical risers only, increasing to 4" on Branch line to extend to toilet.

Said pipes shall be securely ironed to walls, laid in trenches, suspended by strong iron hangers or supported on suitable piers, and shall, with a uniform grade, have a fall toward the sewer of not less than one-fourth inch per foot.

(b) All permanent hangers, clamps or piers shall be placed at intervals of five feet.

(c) There shall be suitable cleanouts at all short turn bends of horizontal pipes where the same are possible, and at foundation walls in a direct line with the sewer.

(d) Heavy brass screw cleanouts shall be used.

(e) All cleanouts must be accessible for inspection and cleaning.

(f) Changes in direction shall be made with curved pipes, and connections with horizontal or vertical pipes shall be made with Y or TY Branches.

(g) In no case shall so-called short Ts or saddle hubs be allowed.

(h) Soil and Waste pipes shall not have less than the following diameters:

Minimum branch waste	1½
Branch waste for urinals	1½
Branch waste for sinks	1½
Branch waste for wash trays	1½
Main waste	2
Main waste for sinks, five floors or more	3
Soil pipe	4-3
Copper	3

SECTION 5

The soil pipe of every building shall be carried above the roof open and undiminished in size, and to a height of not less than one foot above the roof, or one foot above a window within 12 feet.

(a) No ventpipe shall be covered with a cap or cowl.

(b) All branches of soil or waste pipe of fifteen feet or more in length shall be continued at full size and increased to two inches through the roof, or connected with the main soil pipe at a point above the highest fixture in the building.

(c) Joints shall be made with oakum and molten lead, thoroughly caulked and made tight, and in no case shall paint, putty or cement of any kind be allowed before testing.

(d) Rain water leaders when connected with soil or drain pipe shall be properly trapped.

SECTION 6

Every water fixture and appliance having waste pipe connected with the sewer or cesspool shall be furnished with a separate and suitable trap placed as near as possible to the fixture that it serves, except that where a sink and wash tray or bath tub and wash bowl come in contact with each other, one round trap will be permitted for both.

Traps shall be protected from siphonage and back-pressure by Cast Iron, Galvanized Iron, Lead, Brass or Copper, air pipes of same size as waste. $1\frac{1}{2}$ " traps shall not have more than 36 inches of waste pipe from trap to vent. Round Traps may be placed 4 feet from vent pipe. A water closet which connects with soil pipe or a waste water pipe not more than 24 inches drop below the top water line of the trap, shall not require other vent than the continuation of the soil pipe full size for its whole length.

Schedule of Back Air Pipes and Vents for Fixtures, where more than one is connected to same vent.

	Size of Pipe (Inches)	Greatest Length Allowed (Feet)	Maximum Number of Fixtures
Baths, Basins	$1\frac{1}{2}$	15	3
Sinks	2	70	9
Urinals	3	70	21
Water-Closets, or Slop Sinks	2 3	35 70	3 9

In case of groups of fixtures, the special air pipe from each trap may be omitted, provided the soil or waste pipe undiminished in size is continued to a point above the roof, or revented into the main system above the fixtures.

This includes Bathroom fixtures or kitchen sink and appliances.

The special venting of the upper fixture, provided it is a water closet, and is located not more than 7 feet from the main ventilating stack, may be omitted. All air pipes shall run as direct as possible and shall have such continuous slope as to avoid collecting water by condensation.

Two or more air pipes may be connected together or with a soil pipe but in every case of connection with a soil pipe such connections shall be made above the upper fixture of the building.

No vent pipe shall connect with any other vent pipe until it has attained the height of the top of the fixtures whose trap it ventilates.

Lead air pipes may be used only where they are exposed to view, and in no case shall be allowed behind walls or sheathing, or other places inaccessible for inspection.

The weight of all lead bends, traps, waste and vent pipes, used in plumbing shall not be less than specified, viz:

1 $\frac{1}{4}$ Inch	2 $\frac{1}{2}$ lbs. per foot
1 $\frac{1}{2}$ Inch	3 lbs. per foot
2 Inch	5 lbs. per foot
3 Inch	6 lbs. per foot
4 Inch	8 lbs. per foot

SPECIAL TRAPS

Every building in which gasoline, naptha or other inflammable compounds are used for business purposes shall be provided with a special trap or separator, so designed as to prevent the passage of oils or gasses into the sewers, and shall be ventilated with a separate pipe to a point 3 feet above the roof. The waste of every washstand for vehicles shall be provided with catch basin so designed that sand cannot pass into drain.

Drainage of stalls, stable fixtures, garages and laboratories shall be installed in accordance with plans approved by the Board of Health.

SECTION 7

Drip and overflow pipes from safes under water closets or other fixtures, or from tanks or cisterns, shall be run to some place in open sight, and in no case shall any such pipe be connected directly with a drain, soil or waste pipe.

SECTION 8

No waste pipe from a refrigerator, or other receptable in which provisions are stored, shall be connected with a drain, soil pipe or other waste pipe unless such waste pipes are provided with traps suitably ventilated; and in every case there shall be open trays between the trap and refrigerator.

SECTION 9

No steam exhaust, blow-off or drip pipe shall connect with the sewer, house drain, soil, waste or vent pipe, but shall discharge into a suitable tank or condenser, from which a proper outlet to the drain or sewer shall be provided.

SECTION 10

Every water closet or line of water closets, on the same floor, shall be supplied with water from a tank or system, and the flushing pipe shall not be less than One and One-fourth Inch in diameter. Water closets when placed outside of buildings may be so arranged as to receive their supply directly from the main, with such water fixtures as shall be provided by the Water Commissioner and the Inspector. Water Closets having earthenware trap shall be connected to soil pipe with flange or floor plate. The water closets shall be securely bolted to said floor plate in a manner to insure a tight solid joint.

(a) No water closet shall be used in which soil comes in contact with any mechanism or moving part.

(b) In all tenements or blocks on streets where there is a sewer, there shall be at least one water closet for each tenement or family. In hotels and lodging houses, there must be one watercloset on each floor, and where there are more than twelve persons on any floor, there must be an additional water closet on that floor for every twelve additional persons or fraction thereof.

(c) No water closet shall be placed in an apartment that has not a direct opening of at least three square feet to the external air approved by the Inspector.

SECTION 11

Where urinals are placed in any building they shall be supplied with water and properly ventilated.

Plumbing and drainage in industrial establishments, in addition to the provisions of this code, must be in accordance with the rules and regulations of the Massachusetts Department of Labor and Industries

SECTION 12

The Inspectors of Plumbing must be notified when any work is ready for inspection, and no pipes or other fixtures may be covered or concealed from view until inspected and approved.

Repairing of leaks in drainage systems installed previously and not under this code can be done without permits not necessitating changes.

SECTION 13

Where toilets or urinals are located in rooms not having a window opening to outside air, ventilation will be supplied by suitable gravity or forced ventilation system.

In cases of sewer connections there shall be a cast iron pipe laid from five feet outside and carried through the foundation wall and connected with the drain inside by a Y branch with a brass screw cleanout in a direct line with the sewer.

SECTION 14

Domestic hot water boilers and tankless heaters heated by any means, gas, electric or oil, shall be installed per State Regulations, and a permit shall be obtained from the Inspector.

SECTION 15

Cross connections - Any connections in piping, whereby a public or private water supply used for drinking and/or culinary purposes is connected with a secondary supply or a supply of questionable quality or whereby polluted matter may enter the supply used for drinking and/or culinary purposes, shall be considered a cross connection.

No cross connection shall be installed unless the piping connections and valves connected thereto have been approved by the Inspector of Plumbing after tests showing that no polluted matter from such fixtures may enter the water supply system used for drinking and/or culinary purposes and all existing cross connections shown to be improper by test as herein indicated shall be removed.

Check valves or other uniflow devices may be considered as suitable mechanical means of separation only if these devices are accessible for overhauling or inspection and equipped with drains and test outlets and the installation is approved by the Inspector of Plumbing. Temporary connections shall not be permitted.

Valves of the positive type which include gate, globe stop and similar valves are not considered as adequate protection.

Any cross connection permitted with a fire service supply shall be protected by a properly installed and adequately supervised all bronze rubber-seated double check valve of a type approved by the State Board of Plumbing Examiners.

Appliances installed in old buildings may be run into the drainage system by the use of a trap.

All new installations shall be water tested and examined by the Plumbing Inspector.

No outside exposed plumbing drains shall be permitted.

SECTION 16 - SEWAGE DISPOSAL

All sewage disposal installations shall be in accordance with Massachusetts Department of Public Health, Sanitary Code, Article XI.

A Construction Permit shall be obtained from the Building Inspector as approved by the Board of Health of Duxbury. The application for the Construction Permit shall show the location of the Septic Tank, the Filtration Bed or Cesspool used as a filtration bed, and the results of a Percolation Test made by a Trained Sanitary Engineer.

The Septic Tank shall be 5 feet from any building and 10 feet from the Property line. The leaching field, or pit, shall be 20 feet from any building and 10 feet from the property line.

All cleanout covers, not exposed to view, shall be marked by a cement disc 6 inches in diameter and 3 inches thick placed flush with the ground.

All permits for installation for motels, overnight camps, nursing homes, rest homes, police stations, schools or public buildings require approval of the plans by the Massachusetts Department of Public Health.

The size of the filtration area will be determined from the result of the Percolation Test.

The septic tank capacity shall be 150 per cent of the estimated sewage flow with a minimum of 1,000 gallons.

ARTICLE X

SECTION 1 - ELECTRICAL INSTALLATIONS

All electrical wiring, apparatus or appliances for furnishing light, heat or power, shall be in strict conformity with approved methods and practices, for safety to life and property. Compliance with the National Electrical Code, as published by the National Board of Fire Underwriters, shall be prima facie evidence of such approved methods and practices.

I do hereby certify that the foregoing is a true copy of the BUILDING CODE and amendments thereto adopted by the VOTERS at Town Meetings and approved by the Attorney General of the Commonwealth of Massachusetts, as follows:

<u>Date Voted</u>	<u>Article Number in Warrant for Town Meeting</u>	<u>Date Approved by Attorney General</u>
March 12, 1955	Article #40	May 10, 1955
March 10, 1956	Article #51	June 13, 1956
March 12, 1960	Article #36	April 21, 1960
March 9, 1963	Article #52	April 30, 1963
March 27, 1965	Article #48	April 26, 1965
March 22, 1969	Article #25	Sept. 9, 1969

MAURICE H. SHIRLEY

Town Clerk of Duxbury

TOWN OF DUXBURY
PROTECTIVE BY-LAW

- - -

This By-Law shall be known and may be cited as the
Protective By-Law of the Town of Duxbury

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GENERAL INFORMATION

THE PROTECTIVE BY-LAW is for the purpose of protecting the health, safety, convenience and general welfare of all the inhabitants of the Town, to lessen the danger from fire, congestion and confusion and to improve and beautify the Town under and pursuant to the provisions of the General Laws. It is also for the purpose of protecting and preserving from despoliation the natural features and resources of the Town, such as salt marshes, wetlands, brooks and ponds. No obstruction of streams or tidal rivers and no excavation or filling of any marsh, wetland or bog shall be done without proper authorization by a Special Permit issued by the Board of Appeals as required under the provisions of this By-Law relative to the Wetland and Watershed Protection District.

Section 1. DEFINITIONS

"Authorized by" or "on approval of" (the Board of Appeals or Board of Selectmen). When a special permit has been granted by the Board of Appeals or the Board of Selectmen for an exception to the terms of the by-law in harmony with its general purposes and intent and subject to appropriate conditions and safeguards.

"Detached one-family house". A detached one-family house is a dwelling accommodating but a single family, and having no party wall or walls in common with an adjacent house or houses.

"Farm". A farm means any tract of land used for the production of crops or the rearing of animals or poultry.

"Front Yard". A front yard is the required open space between the street line and the nearest part of any building on the lot excluding projections.

"Guest House". A single family dwelling house in which rooms are rented by the person resident therein to persons occupying such rooms for the night or for longer periods.

"Half Story". The term "Half story" shall mean a story in a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

"Hall". A hall is a room or building appropriated to the meetings of a fraternal, literary or other incorporated society; and excludes the term 'halls' wherever it appears in Section 3 thereof.

"Lot". A lot is the parcel of land on which a principal building and its accessories are placed together with the required open spaces.

"Projections". Projections shall mean cornices, eaves, gutters, outside chimneys, steps, bay windows and terraces.

"Story of a building". A story of a building is that part of the building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above.

"Way". A way is a passage, street, road or bridge, public or private, set aside or used as a thoroughfare.

Section 2. ESTABLISHMENT OF DISTRICTS

(a) Classes of Districts: For the purpose of this Protective By-Law, the Town is hereby divided into two classes of districts, to be known as:

1. Residence Districts.
2. Business Districts.
3. Wetlands and Watershed Protection Districts.

These districts are shown on a map entitled "Map of Town of Duxbury, Massachusetts, to Accompany Protective By-Law" dated January 1944, and a copy of said map is on file at the Duxbury Town Office and said map with all its contents is hereby made a part of this Protective By-Law. The general location of business districts is indicated by the smaller circles shown on said map. The details showing more precise boundaries of business districts are shown shaded within the larger circles on said map, with references to the Assessors Map of Duxbury on file as of January 1, 1944. All parts of the town not shown by said details are to be treated as residence districts. Said Protective By-Law map shall be changed and amended to reflect any changes in the boundaries of said business districts.

(NOTE: Current map of Town of Duxbury dated March 22, 1969.)

Section 3. RESIDENCE DISTRICT USES

In a residence district no building shall be erected, altered, used or maintained, and no building or premises shall be used for any purpose except:

- (a) Detached one-family house.
- (b) Private Club not conducted for profit and not containing sleeping quarters for more than four persons.
- (c) Church.
- (d) Educational use.
- (e) Farm, garden, nursery or greenhouse; also stands for the sale of products raised on the premises, subject to approval of the Board of Appeals.
- (f) Municipal recreational use.
- (g) Telephone exchange, not including a service station or outside storage of supplies.
- (h) Accessory use on the same lot with and customarily incident to any of the above permitted uses and not detrimental to a residential neighborhood. The use of a room or rooms in a dwelling for customary home occupation, or home occupations carried on by the person or persons resident therein, shall be permitted as an accessory use, provided that there be no display or advertising except a sign of not more than two square feet in area. The term 'accessory use' shall not include:
 - 1. A garage for the storage of more than three automobiles.
 - 2. Storage of more than three commercial automobiles except on a farm.
 - 3. Advertising signs except those pertaining to the lease, sale or use of a lot or building on which they are placed, and not exceeding a total area of six square feet; provided that on a lot occupied by a dwelling there may be a sign with total area of not more than two square feet pertaining to the use thereof or bearing a name and the designation of any authorized occupation, and being such sign as is customary on any building used for the purposes permitted by this section.
- (i) Any of the following uses provided it is not injurious or offensive to the neighborhood, and only if authorized by the Board of Appeals.
 - 1. Alterations, otherwise prohibited, of a dwelling (existing at the time this By-Law is adopted) for two families.
 - 2. Aviation field.

3. Cemetery.
 4. Golf Club.
 5. Hospital, convalescent home, sanitorium, institution or philanthropic use.
 6. Ice harvesting and storage on the same premises.
 7. Municipal use.
 8. Riding stable.
 9. Guest house.
- (j) Trailers, trailer coaches, travel trailers, tent trailers or mobile homes are expressly prohibited except that if not found injurious or offensive to the neighborhood and as authorized by the Board of Appeals, a trailer, trailer coach, travel trailer, motor home, tent trailer, or mobile home may be used on a residential lot for a period of not more than six months. Such authorization shall not be renewed for more than one additional six-month period.

Section 4. BUSINESS DISTRICT USES

Four types of business district:

- Business I. Retail and local service establishments.
- Business II. Service business and similar establishments.
- Business III. Certain specific types of business establishments as enumerated below.
- Business IV. Certain types of establishments as enumerated below.

In a business district no building shall be erected or altered and no building, premises or land shall be used for any purpose injurious or offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise.

Parks for trailers, travel trailers, tent trailers, trailer coaches, motor homes or mobile homes are expressly prohibited.

Pursuant to these conditions, the following uses shall be permitted.

BUSINESS I.

- A. Any use permitted in Section 3 for Residence District Uses. The same conditions prescribed in Section 3 (i) as to special permits for exceptions shall apply relative to both use and manner of use.
- B. The uses listed below shall be permitted after approval by the Board of Appeals of a site plan in instances where the outdoor parking of more than three (3) vehicles is required or proposed; or off-street loading space is required.

Site Plan Approval

a) All proposed buildings shall be constructed, reconstructed, altered, enlarged or used, and the premises shall be used for a business, commercial or industrial purpose, only in conformity with a site plan bearing an endorsement of approval by the Board of Appeals. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveways, driveway openings, service areas, and other open-space uses; desirable existing and proposed trees on these premises; all facilities for sewage, refuse and other waste disposal, and for surface water drainage; and all principal landscape features (such as fences, walls, planting areas and walks) on the lot.

Signs and exterior lighting must be included in all site plans.

b) Any person desiring approval of a site plan under this section shall submit said plan to the Building Inspector, who shall transmit it forthwith to the Board of Appeals. No building permit shall be issued until the Board has approved a site plan or

has allowed forty-five (45) days to elapse after receipt thereof without acting thereon. The Board shall have power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion (if such power is reserved by the Board in its original approval). All of the provisions of this paragraph applicable to approval shall, where apt, be applicable to such modification or amendment.

c) In deciding applications for site plan approval under this paragraph, the Board of Appeals shall assure to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations of the district in which located:

- 1) Protection of adjoining premises against detrimental or offensive uses on the site.
- 2) Convenience and safety of vehicular and pedestrian movement in relation to adjacent ways and land.
- 3) Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water.
- 4) The maintenance and promotion of a healthful, amenable and dispersed proportion of shade in paved areas through the effective use of established and/or new trees.

1. Store, showroom or salesroom for the conduct of the following retail business uses:

- a. The sale of food items, including confectionary, dairy products, fruits, vegetables, groceries and meats. The sale of baked goods and the manufacture of same for sale.
- b. The sale of dry goods, variety merchandise and handicraft work.
- c. The sale of clothing and clothing accessories.
- d. The sale of hardware, household items including appliances, furniture, furnishings and supplies.
- e. The sale of printed matter, drugs, stationery and photographic supplies.
- f. The sale of items clearly similar to those permitted above.

2. Business and professional offices; real estate, insurance and general business offices; the offices of architectural, dental, engineering, legal, medical and other recognized professions; banks, telephone offices, medical and dental clinics, mortuaries and funeral homes.

3. Restaurants and other places for the serving of food or beverages inside the building at tables or counters, public or private clubs.
4. Service Establishments; barber and beauty shops; laundry agencies; shoe and hat repair, bicycle and household appliance repair; dressmaking; drycleaning, pressing or tailoring shops in which no work is done on the premises for retail outlets elsewhere.
5. Shop of an electrician, painter, paper-hanger, plumber, upholsterer, carpenter or cabinet maker, provided the operation is free of noise, dust, fumes, smoke or soot.
6. The following additional uses:
 - a. Nurseries, truck gardens, farms, greenhouses.
 - b. Public transportation passenger stations and rights of way, passenger bus terminals.
 - c. Municipal buildings.
7. In a Business I district, a single family dwelling may be incorporated in a business building above the ground floor.

BUSINESS II

- A. 1. Any business use permitted in Business I above.
2. Retail business service or public utility not involving manufacture on the premises except of products the major portion of which is to be sold at retail by the manufacturer to the consumer and provided further that not more than ten operators shall be employed in such manufacture. Such retail business may include sales at wholesale, provided that the physical incidents occurring on the premises, of such wholesale transactions are of substantially the same character as the physical incidents of its sales at retail direct to the consumer, and provided further that the major portion in number of its sales shall continue to be sales at retail.
- B. For the uses listed below a special permit for exception is required from the Board of Appeals prior to issuance of a building permit. There shall be submitted with the application for permit a site plan as required in Business I B above.
 1. Automobile sales and service; provided that where it is proposed to dispense, sell, or offer for sale, motor fuels directly to users of motor vehicles each of the criteria immediately following must be met by the proposed site before the special permit for exception may be issued by the Board of Appeals.
 - a. There is no existing sales room, service station, garage, or other establishment dispensing motor fuels within thirteen hundred feet.
 - b. No public or private school, no playfield or playground, no church or other place of public worship, no cemetery, police station or fire station, no hall or other place of public assembly, no municipal building used for public business, meetings or assemblies, no Town-owned sites held for future schools, playgrounds or playfields, is within five hundred feet of the proposed facility.
 - c. The site plan and proposed construction conforms to the following:
 - 1.) A safety island parallel to the street line sixty feet in length along the street and twenty-five feet in depth.
 - 2.) On either end of this island "curb cuts" or access drives of not more than 30 feet and not less than twenty-five feet in width at the exterior line of the street.
 - 3.) An additional ten feet minimum distance beyond each access drive adjacent to the lot line--making the total frontage required a minimum of 140 feet or 130 feet depending on the size of driveway openings.
 - 4.) Not more than three pumps and/or six hoses in one "island" for dispensing leaded gasoline, or motor fuel, plus one additional pump and hose for dispensing either diesel fuel or white gasoline so-called.

- d. Automobile sales and service shall be deemed to include: Automobile sales; outdoor automobile sales display; service stations; repair and storage garage, provided that washing, lubricating and major repairing of motor vehicles are performed inside of enclosed buildings and that all dispensing of fuels, lubricants and fluids is done entirely on the property of the station or garage. Auto dismantling and junk operations are expressly prohibited.
2. Boats, sales, service, outdoor business display and storage. Provided that major repair of engines shall be performed inside of enclosed buildings, and that all dispensing of fuels, lubricants and fluids is done entirely on the property of the business.
3. The sale of building materials.

BUSINESS III

For the uses listed below a special permit for exception is required from the Board of Appeals prior to the issuance of a building permit. There shall be submitted with the application for permit a site plan as required in Business I, B. above.

- A. Hotels, motels and similar facilities for guest accommodations.

BUSINESS IV

For the uses listed below a special permit for exception required from the Board of Appeals prior to the issuance of building permit. There shall be submitted with the application for permit a site plan as required in Business I, B. above.

- A. Light manufacturing fabricating and processing, research and development activities under conditions that do not produce characteristics generally accepted as objectionable, such as noise, fumes, dust, smoke, or soot.

SIGNS IN BUSINESS DISTRICTS

1. No sign shall be attached, erected or otherwise installed on any business property without special permit from the Board of Appeals, which shall make its decisions in conformity with the restrictions and regulations hereinafter described in Paragraph 4.
2. Written application to the Building Inspector shall be made for the installation of all business signs, after a permit has been received from the Board of Appeals; which application shall give all information as to compliance with the specification standards, and no business sign shall be erected and thereafter maintained until a permit therefor has been issued by the Building Inspector. Each application shall be accompanied by a fee, to be set by the Board of Selectmen, to be paid to the Inspector for the use of the Town, upon issuance of each business sign permit.
3. No swinging or projecting sign, signpost, flagstaff or other structure advertising a business or occupation or for other use, excepting canvas or cloth awnings or spotlights for externally lighted signs, shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and no permit for any such sign or structure shall be issued.
4. Sign Restrictions and Regulations:
 - a. Only such signs shall be permitted as indicate type of business, goods and services offered and/or name of occupant, and the total area of which shall be determined by the specifications in Paragraph (f) following; and such signs as indicate direction and/or cautionary matter, and the total area of which does not exceed three (3) square feet per sign.
 - b. Number of signs which indicate type of business, name of occupant, or goods and services offered by occupant, shall be limited to one sign on each side of building which is in view of a public way or a parking area.
 - c. All signs, with the exception, where necessary, of directional and cautionary signs, and of permitted free-standing signs, shall be fastened flush to the wall of occupant's building by such safe means as will satisfy the Building Inspector.
 - d. Where a flush sign is not deemed adequately visible from a public way or parking area, a permit may be granted for the erection of one (1) free-standing sign of not over two faces. Such permit shall be considered as the granting of a variance, and shall be bound by whatever restrictions, as to design, illumination, construction, and size, as the Board of Appeals may apply. In no case shall such signs rise to a total height of more than twelve (12) feet, be other than stationary or exceed twenty-five (25) square feet in area.

- e. No sign shall extend above the roof line of the building to which it is fastened.
- f. The aggregate area of all signs pertaining to all business conducted on a given premise other than any free standing sign granted as a variance shall not exceed twenty-five (25) square feet; and such signs shall not exceed twenty (20) inches in vertical dimensions and fifteen (15) feet in horizontal dimension. When one (1) line of letters is used, the letters may not exceed fourteen (14) inches in vertical dimension; when two (2) lines of letters are used, one (1) line may not exceed eight (8) inches and the other line not exceed four (4) inches in vertical dimension. A circular sign may have a total area of twelve and one-half (12½) square feet.
- g. No electrically or other powered sign shall blink or flash, in whole or in part, or do other than give a consistently steady white light.
- h. All signs, whether internally or externally lighted shall be lighted only during those hours the occupant is open for business.
- i. No sign now maintained without conformity to these Regulations shall be in any way altered by painting, lighting or any other manner which shall change the construction, design, wording or structure of such signs as the same exists at the time of the adoption of these Regulations.
- j. No sign now maintained without conformity to these Regulations shall be continued and maintained if the ownership or occupancy of the place of business which such sign advertises shall change subsequent to the date of the adoption of these Regulations.
- k. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

INTENSITY OF USE - Height, Area, Yard and Coverage Requirements.

A. Business uses: A building structure or open air use hereafter erected or commenced in a Business District shall be located on a lot and in such position to have not less than the minimum requirements set forth as follows:

In residential districts, all non-residential uses permitted therein shall be located on lots that conform to the minimum standards set forth for residential uses in the district in which the lot is located.

B. Special Requirements:

1. Lot area, frontage and depth

Minimum Lot Dimensions			BUSINESS Minimum Yard Dimensions			Max. Height of Buildings	Maximum Per cent of Lot Covered by Buildings
area in sq. ft.	frontage in ft.	depth in ft.	front ft.	side ft.	rear ft.	no. of stories	
15,000	100	100	10	no limits		2½	25

New or existing residential structures, the minimum requirements when applicable shall be those of the Single Residence District.

- a) In the case of lots in the business district, which lots are non-conforming as to area and frontage but were recorded or registered prior to the adoption of the By-Law provisions that made said lots non-conforming, such lots may be built upon and used in conformity with the use provisions of the particular district, provided there was not other land of the same owner adjoining and available for use in connection with said parcel at the time of the adoption of the By-Law provision making said parcels non-conforming. Conformity to yard, height and coverage limitations is not waived hereby.
- b) In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the fee to such street is in the owner of the lot.
- c) No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be subdivided or reduced in area in any manner unless said lot shall thereafter be of sufficient area and width to meet the requirements of this By-Law at the time of such reduction and unless such lot so altered, and any building or buildings thereon, shall meet all the other requirements of this By-Law. If land be subdivided, conveyed, devised or otherwise transferred in violation hereof, no building or other permit shall be issued with reference to any of the land so transferred or to the lot (s) retained until all

of such land and lots meets the requirements of this By-Law. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been or was taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

- d) When a lot in one ownership is situated so that a part of it is in the Town of Duxbury and a part in an adjacent town or city, the provisions, regulations, and restrictions of the By-Law shall be applied to that portion of such lot as lies in the Town of Duxbury in the same manner as if the entire lot were situated therein, i.e., the entire area and frontage shall be considered in determining conformity to dimensional requirements herein. The use of the portion of the lot in the Town of Duxbury shall conform to the provisions herein.

2. Yard, height and coverage

- a) Front yard dimensions shall be measured from the right of way line of the way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty (20) feet from and parallel with the center line of the traveled way. Where present buildings on adjoining lots are less than forty (40) feet from the way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose be treated as though occupied by a building set back forty (40) feet.
- b) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes, and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground, except by special permit for exception by the Board of Appeals.
- c) In Business Districts any yard space or area required to be kept open and unbuilt upon may nevertheless be used for off street automobile parking, if otherwise lawful, except that a strip not less than ten (10) feet wide on which to grow grass, bushes, flowers or trees shall be maintained open, unpaved and not parked upon along each side and rear property line of such a lot wherever it abuts a residential district.
- d) In a business district no accessory building or structure shall be located within the required front yard area. Accessory structures may be appended to the principal building or to another accessory building.

- e) No lot, yard, court or other open space already having less than the minimums required in these by-laws shall be further divided or reduced.
- f) Projections. Nothing herein shall prevent the projection of steps, stoops not exceeding thirty (30) square feet in area, eaves, cornices, window sills or belt courses into any required yard.

GENERAL REGULATIONS

A. Minimum off-street parking and loading requirements.

1. In a business district off-street parking space shall be provided in connection with the original erection or increase by units or dimensions of any building or structure in the following amounts:
 - a) For residential uses, two parking spaces for each family house on the lot.
 - b) For general retail business, commercial and personal service establishments, parking facilities on the basis of one (1) parking space per 70 square feet of floor area, exclusive of basement storage space or other space not used for business purposes. In addition to this amount, one (1) space for each two (2) employees shall be provided.
 - c) For office, professional or public buildings having a floor area of over 2,000 square feet exclusive of basement, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one (1) parking space for each 400 square feet of floor area other than the ground floor.
 - d) For restaurants, tea rooms, lunch counters, or other facilities for eating or drinking, one (1) parking space for each three (3) employees plus one (1) additional space for each four (4) patrons accommodated at tables or counters.
 - e) For roadside stands, filling stations, automobile repair shops or other roadside service establishments, one (1) parking space for each two (2) employees plus such additional spaces for customer-motorist as the Board of Appeals shall deem necessary, in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
 - f) For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Board of Appeals shall determine to be necessary, considering the activities involved, in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
2. Whenever after the date of this By-Law, there is a change in the lawful use of the premises or in the number of employees or

business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this Section, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces as determined by the requirements of this Section, more off-street parking facilities shall have been provided on the basis of the adjusted needs, as determined by this Section. When a building or use that does not conform to these off-street parking requirements is expanded, parking spaces as specified shall be provided for the expansion.

3. Mixed uses: In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this subsection: parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

4. Location of facilities: Off-street automobile parking facilities to the extent required in this section may be provided either on the same lot or premises with the parking-generating activity or on any lot or premises a substantial portion of which, at least, is within 200 feet of such activity.

5. Parking areas shall be used for automobile parking only with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

6. Design standards.

- a) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. Access to and from lots shall be through designated driveways with openings or curb cuts not in excess of forty (40) feet in width at exterior line of public or private way.
- b) Said parking areas shall be provided and maintained with a permanent dust-free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.
- c) Where lighting is provided, lights shall be so designed and placed as to provide sufficient illumination of the ground below only, for the safe passage and identification of vehicles and pedestrians in the immediate area and so as to eliminate any direct view of the light source from any public way or adjacent property. As a general guideline, an average of from three (3) to five (5) foot candle lighting level throughout the area shall be considered safe and sufficient illumination; and no lighting shall be projected from the lighting fixture in excess of an angle of forty-five degrees (45) above the vertical. Where lighting levels in excess of the above average are deemed necessary by owners, lessees or others exercising control of said parking areas, the Board of Appeals

shall be petitioned in writing for special lighting permits, with the reasons therefor, together with a fee to be set by the Board of Selectmen. In acting upon such requests for special lighting permits, the Board shall take into consideration reasonable safety requirements for the intended use of the parking areas with regard to the aforementioned guideline, and shall weigh the impact of increased lighting levels on the adjacent public ways and properties. However, in no event may the Board permit avoidance of the basic requirement that lights shall be installed in such a manner as will prevent direct light from shining onto any public way or adjacent property.

- d) Parking lots immediately adjacent to a Residence District shall be adequately screened from view from said Residence District by trees, hedges, or a tight fence.

7. Off-street loading: On the same premises with every building where goods are received or shipped, which is newly erected or increased by units or dimensions after the date of adoption of this By-Law, adequate loading areas shall be provided. Every part of such loading area shall be located completely off the street.

8. Construction approved prior to enactment of By-Law provision. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and which entire building shall be completed according to such plans as filed within two (2) years from date of enactment of this By-Law.

9. Lack of required parking or loading space. A building or structure which is non-conforming as to the requirements for off-street parking space shall not be enlarged or altered to create additional dwelling units, or seats as in the case of places of public assembly, of floor area as in the case of commercial, industrial, business or institutional or recreational buildings, or accommodations as in the case of hotels, motels, and tourist homes unless off-street parking is provided for such addition, enlargement or alteration. A building which is non-conforming as to the requirements for off-street loading space shall not be enlarged or added to, unless off-street loading space is provided sufficient to satisfy the requirements of this By-Law for both the Addition or enlargement and the original building or structure.

ADMINISTRATION

1. This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information as to a violation, the board shall take immediate steps to enforce this By-Law in any manner provided by law. No person shall erect or alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find

that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this By-Law, they shall grant such permit; otherwise they shall refuse it. Such building permit as may be required by the building code of the Town of Duxbury shall be considered as the same as that required above.

Matter accompanying application. Each application to the Building Inspector for a building permit or a certificate of occupancy shall be accompanied by a site plan showing the location, area and dimensions of the lot and all buildings, yards, and parking spaces, existing and proposed. Where off-street parking required by the By-Law is proposed on a lot other than the lot on which the building is located, a plan of the off-street parking area shall also be provided.

2. After the building, or part thereof, has been completed, altered, enlarged or relocated, the owner or his agent shall obtain a certificate of occupancy for the proposed use before the same may be occupied or used.

In cases of use and occupancy of any building or structure, or part thereof, during a period of construction or alteration, the Building Inspector may issue temporary certificates for periods not exceeding six (6) months.

Applications for occupancy permits shall be filed with the applications for building permits and shall be allowed or denied in writing (which writing shall contain the cause of the action taken), within seven (7) days after the Inspector of Buildings has been notified in writing that a construction or alteration of such building or structure has been completed.

3. Any person violating any of the provisions of this By-Law may be fined no more than \$20.00 for each offense. Each day that such violation is permitted to exist after written notification thereof by the Building Inspector shall constitute a separate offense

Section 5. Wetland and Watershed Protection District.

- (a) General - This section does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other sections of this by-law or other applicable laws, regulations and by-laws.
- (b) Location - The locations and boundaries of the Wetland and Watershed Protection District shall be shown on a map entitled "Map of the Wetland and Watershed Protection Districts in the Town of Duxbury, Massachusetts" dated March 4, 1971, on file at the Duxbury Town Office, and said map with all its contents is a part of this Protective By-Law. All areas in said Wetland and Watershed Protection District are subject to the regulations set forth in the following paragraphs (c) to (j) inclusive.
- (c) Allowed Uses - In a Wetland and Watershed Protection District, the following uses are allowed as a matter of right.
 - 1) Conservation of soil, water, plants and wildlife, including wildlife management shelters;
 - 2) Outdoor recreation including play and sporting areas, nature study, boating, fishing and hunting where otherwise legally permitted, including duck blinds and foot-bicycle-horse paths;
 - 3) Proper operation and maintenance of dams and other water control devices, including temporary alteration of the water level for agricultural, emergency or maintenance purposes or for the propagation of fish;
 - 4) Forestry, grazing, farming, nurseries, truck gardening and harvesting of crops including, but not limited to, such crops as cranberries, marsh hay, seaweed, berries, fruits and seeds and including non-residential buildings or structures used only in conjunction with fishing, shellfishing or the growing, harvesting or storage of crops raised on the premises;
 - 5) Accessory uses, such as flower or vegetable gardens, lawns, fences and signs not exceeding three square feet in size.
- (d) Permitted Uses by Exception - Upon issuance of a special permit for an exception by the Board of Appeals, and subject to such special conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes of this Section 5, the following uses and structures are permitted:
 - 1) Footbridges and plank walks;
 - 2) Appropriate municipal uses, such as water works, pumping stations and parks;

- 3) Temporary storage of materials or equipment for a period not to exceed three months in any calendar year, said permit renewable for one additional three-month period only;
 - 4) Dams, excavations, or changes in watercourses to create ponds or pools for swimming, fishing, wildlife or other recreational or agricultural use, scenic features, or for drainage improvements; and
 - 5) Boat landings and boat houses, the latter not to exceed 20 feet in height nor 1000 square feet in total ground coverage.
- (e) Prohibited Uses - Dumping, filling, excavating or transferring of any material which will reduce the natural water storage capacity of the land, interfere with the natural flow patterns of any watercourses or degrade the quality of surface or ground water within this District is prohibited, except as provided in paragraphs (c) and (d) herein and activities that are incidental to flood or mosquito control work performed by or under the direction of an authorized governmental agency or activities incidental to the agricultural uses described in section (c).
- (f) Exemptions - The following are specifically exempt from the provisions of this Section 5:
- 1) All residential dwellings, and those portions only of the lots therefor needed for such repair, rebuilding, modification or enlargement of buildings existing in the Wetland and Watershed Protection District on March 13, 1971.
 - 2) All commercial and business buildings, and those portions only of the lots therefor needed for such repair, rebuilding, modification or enlargement of buildings existing in the Wetland and Watershed Protection District on March 13, 1971.
 - 3) All residential, commercial and business buildings, and those portions only of the lots therefor needed for such repair, rebuilding, modification or enlargement of buildings, the building permits for which were issued prior to March 13, 1971.

All dwellings and buildings referred to in this paragraph may be repaired, rebuilt, modified, or enlarged including, but not limited to, the addition of garages and living space and construction of appurtenant outbuildings, together with such filling, diking, and/or draining as may be necessary for the protection of said structures from flood water inundation, consistent with the laws of the Commonwealth of Massachusetts, and in compliance with all other zoning requirements, and provided such construction does not affect the natural flow pattern of any watercourse.

Lot Area Requirements - The portion of any lot in the Wetland and Watershed Protection District may be used to meet the area and yard requirements for the district in which the remainder of the lot is situated provided not less than 20,000 square feet of said lot is outside the Wetland and Watershed Protection District.

If any land in the Wetland and Watershed Protection District is found by the Board of Appeals, after the question has been referred to and reported on within thirty days by the Planning Board and the Board of Health, not in fact to be subject to seasonal or periodic flooding or unsuitable because of drainage conditions, the Board of Appeals shall, after a public hearing with required notice, grant a special permit for the use of such land and for the construction and erection of a building or structure for any purpose permitted in the Residence District providing such use will not endanger the health or safety of the occupants thereof, subject, however, to any requirement of any other applicable provision of this By-Law.

Building Permits - Whenever an application is made for a building permit on land which the Building Inspector believes may involve the use of land in the Wetland and Watershed Protection District, he shall require the applicant for such permit to provide as part of such application a plan of the lot on which such building is intended to be built, showing elevations of the land contours at one-foot intervals referred to mean sea level datum and certified by a registered Land Surveyor. In the case of a building permit for an interior improvement or addition to a building or structure exempted by paragraph (f), the elevations of land shall not be required.

Wherever in this Section the Board of Appeals is authorized to issue a special permit for an exception, said Board shall assure to a degree consistent with a reasonable use of the location that said use

- a) does not produce unsuitable development in marshes, bogs and ponds or along watercourses or in areas subject to flooding;
- b) conserves the value of lands and buildings;
- c) facilitates the adequate protection and provision of a water supply through preservation and maintenance of the ground water table;
- d) protects and preserves the inland marshes, bogs, ponds and watercourses and their adjoining wetlands in order to safeguard the purity of inland and coastal waters for the propagation and protection of marine life and for recreational purposes; and
- e) encourages the most appropriate use of the land.

Section 6. NON-CONFORMING USES.

- (a) Continuation of non-conforming uses. Any building or use of a building, structure, land, or part thereof, existing at the time this By-Law is adopted may be continued, although such building or use does not conform to the provisions thereof, except as provided in (b) of this section, and provided such use has not been discontinued for a period of three years, exclusive of a time of war emergency.
- (b) Limitation on Restoration. A non-conforming building which has been damaged or destroyed may be repaired or rebuilt, but the restoration shall not substantially exceed that original area and height and shall be placed no nearer the street than the building which it replaces.

Section 7. HEIGHT REGULATIONS.

- (a) Residence district heights. In a residence district no building shall be erected or altered to exceed two and one-half stories in height.
- (b) Business district heights. In a business district no building shall be erected or altered to exceed two and one-half stories in height.
- (c) Height exceptions. Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend a reasonable height above the height limits herein fixed, subject to the approval of the Board of Selectmen or an inspector who may be appointed by them.

Section 8. AREA REGULATION

- (a) Front yards. In a residence district where the way is forty or more feet in width no building or roadside stand shall be erected or placed within twenty-five feet of the way line. Where the way is less than forty feet in width the building or stand shall be placed no less than forty-five feet from the center of the way. Where present buildings on adjoining lots are less than twenty-five feet from the way line, new buildings may be placed as near the way line as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back twenty-five feet.
- (b) Side and rear yards. In a residence district no dwelling shall be built within ten feet of the side or rear lot line, and no other building within five feet of such lines.
- (c) Lot size. In the residence district no building shall be erected or maintained on a lot unless such lot has an area of 40,000 square feet or more and a frontage upon the way upon which it abuts, or upon the set-back line, if any, of such way of two hundred feet or more.

(Effective June 12, 1944: This paragraph shall not apply to a building in existence when this By-Law becomes effective provided the lot upon which it stands is not subsequently diminished in area or width of frontage; nor shall it apply to a lot described in a deed, or shown on plan, duly recorded in the Plymouth County Registry of Deeds when this By-Law becomes effective, provided that if at such time there was other contiguous land of the same owner which might be used in connection with such lot, such land shall be so used to the amount required to constitute a lot of the area and frontage prescribed in this paragraph, and such lot shall not subsequently be diminished in area or frontage below the requirements herein stated. In the case of any lot so described or shown in said Registry of Deeds to which there is not sufficient other land of the same owner contiguous and capable of use to constitute a lot of the area and frontage prescribed in this paragraph, the owner may erect and maintain one, but not more than one building, other than accessory buildings on such lot.)

- (d) Corner Clearance. Within the area formed by the lines of intersecting ways and a line joining points on such lines fifteen feet distant from their point of intersection, or in case of a rounded corner, the point of intersection of their tangents, no structure other than a building, and no foliage, shall be maintained between a height three and one-half feet and a height of eight feet above the plane through their curb grades.
- (e) Projections. Nothing herein shall prevent the projection of steps, stoops not exceeding thirty square feet in area, eaves, cornices, window sills, belt courses into any required yard.

Section 9. ADMINISTRATION

(a) Enforcements. This By-Law shall be enforced by the Board of Selectmen, either directly or by an inspector appointed by them; and upon any well founded information as to a violation, the Board shall take immediate steps to enforce this By-Law in any manner provided by law. No person shall erect or externally alter a building or other structure in this town without a permit from the Selectmen granted upon application made to them upon a form prescribed by them. If the Selectmen find that the construction, location and proposed use of the building or structure to which the application relates in the place specified in the application are authorized by this by-law, they shall grant such permit; otherwise they shall refuse it.

(b) A Board of Appeals is hereby established which shall have all of the powers of a board of appeals under Section 25 to 30 B inclusive of Chapter 40 of the General Laws, and acts in amendment thereof and in addition thereto. The Board of Appeals shall consist of three members, appointed by the Selectmen, for terms of three years and so arranged that the term of one member shall expire each year. No member shall act on any appeal in which he has a personal or financial interest, and in such case his place shall be taken by an associate member designated by the Selectmen.

(c) An appeal may be taken to the Board of Appeals by any person aggrieved by any order of any administrative official of the town in violation of Sections 25 to 30B inclusive of Chapter 40 of the General Laws or of the Protective By-Law of the town. An appeal under this paragraph, or under the provisions of statute, may be taken within fifteen days after the order or action complained of.

(c-1) After acceptance of this section or corresponding provisions of earlier laws as provided in section four of chapter four, no appeal or petition under paragraph three of section fifteen for a variance from the terms of such an ordinance or by-law with respect to a particular parcel of land or the building thereon, and no application under paragraph two of section fifteen for a special exception to the terms of any such ordinance or by-law, which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said board within two years after the date of such unfavorable action except with the consent of all of the members of the planning board, or of the board of Selectmen in a town having no planning board.

(d) The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the By-law in harmony with their general purpose and intent, and in accordance with the specific rules contained in this By-law.

Section 10. LEGAL ASPECTS

The invalidity of any section or provision of this By-Law shall no affect the validity of any other provision thereof.

This Protective By-Law shall not interfere with or annul any By-Law or other law in effect in the Town of Duxbury.

So much of this Protective By-Law as is approved by the Attorney General shall take effect upon its publication as required by law.

I do hereby certify that the foregoing is a true copy of the PROTECTIVE BY-LAW and amendments thereto adopted by the VOTERS at Town Meeting and approved by the Attorney General of The Commonwealth of Massachusetts.

<u>Date Voted</u>	<u>Article Number in Warrant for Town Meeting</u>	<u>Date Approved by Attorney General</u>
March 4, 1944	Article #26	April 26, 1944
March 1, 1947	Article #35	May 6, 1947
March 20, 1948	Article #33	May 11, 1948
March 5, 1949	Article #34	April 21, 1949
March 8, 1952	Article #35	July 1, 1952
March 13, 1954	Article #40	May 26, 1954
March 9, 1957	Article #34	Sept. 3, 1957
March 12, 1960	Article #31	July 14, 1960
March 10, 1962	Arts.#22, 23 & 34	July 12, 1962
March 9, 1963	Article #49	April 30, 1963
Mar. 8 & 22, 1969	Arts.#18, 19, 20 21 & 22	Sept. 9, 1969
Mar.17 & 18, 1970	Arts.#50, 51, 52 & 83	May 29, 1970
Mar.13,15,16&17,1971	Arts.#11,12 & 25	June 8, 1971

MAURICE H. SHIRLEY

Town Clerk of Duxbury

RULES and REGULATIONS

Governing the

Subdivision of Land

1959

Revised 1970

4-6-72

CONTENTS

SECTION	1. Definitions	1
SECTION	2. Approval of All Subdivisions Required	3
	A. Approval of Record Plan a Condition of Under-taking Subdivision	3
	B. Effect of Prior Recording of Plan	3
	C. Waiver of Requirements in Certain Small Subdivisions	3
	D. Plan Believed Not to Require Approval	4
SECTION	3. Preliminary Plan	5
SECTION	4. Record or Definitive Plan	6
SECTION	5. Requirements for Approval of a Subdivision	9
	A. Suitability of Land	9
	B. Suitability of Design of System of Ways	10
	C. Public Open Spaces and Protection of Natural Features	12
	D. Lot Numbering	12
	E. Allowance of Variation in Special Cases	12
	F. Street Construction Requirements	12
	G. Water Service Requirements	17
	H. Street Signs	18
	I. Trees	18
	J. Construction Standards	18
	K. Cleaning Up	18
	L. Maintenance	19
SECTION	6. Sanctions to Enforce Construction of Proposed Improvements	19
	A. Requirements of Bond or Surety (Form 4a or 4b)	19
	B. Final Approval under Covenant (Form 9)	19
	C. Release of Restrictions or Return of Bond or Deposit	20
SECTION	7. Procedure on Applications	20
	A. Notice and Hearing	20
	B. Final Action by Board	21
SECTION	8. Laying Out of Ways in a Subdivision as Public Ways	21
SECTION	9. Changes and Alterations	22
FORMS	See Appendix	

RULES AND REGULATIONS

Governing the Subdivision of Land in the Town of Duxbury, Massachusetts adopted by the Duxbury Planning Board

The following rules, regulations and requirements with respect to the platting of subdivisions and the construction of ways therein have been adopted by the Planning Board of the Town of Duxbury by virtue of the authority granted by the General Laws, Chapter 41, Section 81L and 81M (as inserted by Chapter 340 of the Acts of 1947). For matters not covered by these rules, regulations and requirements, reference is made to the provisions of sections 81K to 81GG, inclusive of the above chapter, as amended through and including Chapter 410—1959 and any subsequent amendments thereto.

SECTION 1

Definitions

For the purposes of these rules, regulations and requirements, the following words and terms used herein are hereby defined or the meaning thereof is explained, extended or limited as follows:

APPLICANT. A person (as hereinafter defined) who applies for the approval of a plan of a subdivision.

BOARD. The Planning Board of the Town of Duxbury.

FRONTAGE. Frontage shall be the distance between the side boundaries of a lot, measured along the exterior line of whatever way or street serves as legal access to the lot.

GENERAL LAWS. (abbreviated G. L.) The General Laws of Massachusetts as enacted in 1920 and as embodied in the Tercenary Edition of 1931, with all additions thereto and amendments thereof. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in any new codification.

IMPROVED PLANNING LAW. Sections 81A to 81Y inclusive of Chapter 41 of the General Laws, as inserted by Chapter 340 of the Acts of 1947, and any addition thereto or amendments thereof.

LOT. An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record, and used, or set aside and available for use, as the site of one or more buildings, and buildings accessory thereto, or for any other definite purpose.

OWNER. As applied to real estate, the person (as hereinafter defined) holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Registry of Deeds and the Registry of Probate of the County of Plymouth.

PERSON. An individual, or two or more individuals, or a group or association of individuals having common or undivided interests in a tract of land, a partnership or a corporation.

RECORD PLAN. The proposed definitive plan of a subdivision, to be recorded in the Registry of Deeds when approved by the Planning Board, and such plan when approved and recorded.

ROADWAY. That portion of a way which is designed and prepared for vehicular travel.

SITE. A portion of a lot, tract or parcel of land provided for the location of a building, with the necessary or convenient amount of land adjacent to such building used in connection therewith, whether such portion is separated from the rest of the lot, tract or parcel by definite boundaries or not.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, (c) a way in existence prior to March 4, 1950 when the subdivision law became effective in the Town of Duxbury, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Protective By-Law in the Town of Duxbury.

WAY, WIDTH OF. The width of a way shall be the width of the strip of land acquired or dedicated for or to the use of such way.

SECTION 2

Approval of All Subdivisions Required

A. Approval of Record Plan a Condition of Undertaking Subdivision

No person shall undertake the subdivision (as herein defined) of any lot, tract or parcel of land within the town, or proceed with the improvement or sale of lots in a subdivision or the laying out and construction of ways therein, or the installation of municipal services unless a record or definitive plan of such subdivision has been approved by the Board, or sixty days have elapsed after the submission of such record plan without action thereon by the Board, except as provided in paragraphs B and C of this Section.

B. Effect of Prior Recording of Plan

Notwithstanding the provisions of paragraph A, in the case of land not registered in the land court, the recording of a plan of

land within the town in the Registry of Deeds of Plymouth County prior to March 5, 1950, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall exempt such land from the application of paragraph A with respect to such lots, sites and divisions as had been sold and were held on March 5, 1950 in ownership separate from that of the person owning the remainder of the land so divided, and with respect to ways and parts of ways in which rights of way appurtenant to such lots, sites or divisions have been expressly granted or implied, and with respect to lots, sites and divisions fronting upon such ways or parts of ways.

In the case of land that has been registered in the land court, any plan of a subdivision which has been registered or confirmed by said court before February 1, 1952, regardless of whether or not the plan of the subdivision was approved by the Planning Board, shall have the same validity in all respects as if the plan had been so approved.

C. Waiver of Requirements in Certain Small Subdivisions

If the owner of a parcel or tract fronting upon a public way wishes to subdivide such parcel or tract into not more than three lots, one or more of which will not front upon an existing public way, or a way there-to-fore approved in accordance with the Subdivision Control Law and such owner is willing to grant to the purchaser of each of such lots the right to construct and maintain an adequate driveway across his remaining land to the public way upon which such remaining land fronts, the Board may, if it determines that such action is not inconsistent with the intent and purpose of the Improved Planning Law and of these Rules, Regulations and Requirements, upon submission of a plan showing the boundaries of the proposed lots, the entire lots of the abutting owners in accordance with the Assessors' records, and the exact locations and widths of the proposed driveways, approve such plats; provided however that, in case of a subsequent resubdivision of any such lots, no such driveway shall be deemed a way, public or private, furnishing access to any of the lots in the subdivision unless all of the provisions of these Rules, Regulations and Requirements applicable to ways in a subdivision have been complied with in respect to such driveway.

D. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application Form 8 (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

In the case of a plan believed not to require approval, on which plan the endorsement of the Planning Board is desired, it will not be necessary for the applicant to be present at a meeting

of the Board. The applicant may at any time submit to the Clerk of the Planning Board two copies of the plan, accompanied by an application form and other explanatory material if needed. The application for endorsement shall be considered as having its date of submission to be that of the Board meeting at which it is submitted by the applicant or the date of the next regular meeting of the Board if the plan is submitted to the Clerk of the Board at a time other than that of a regular meeting.

If the Board determines that the plan does not require approval, it shall, without a public hearing and within fourteen days of submission authorize and instruct the Clerk of the Board to endorse the plan as not requiring approval under the Subdivision Control Law. The Clerk of the Board will retain one endorsed copy of the plan with the letter of explanation for the Board's files, and return the other endorsed copy to the person who presents the plan. If the endorsement is needed on a tracing rather than a blueprint, the Clerk of the Board or other authorized member of the Board, will provide it on the tracing at a time mutually convenient, usually when the endorsed print is returned.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within fourteen days of submission of the plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

SECTION 3

Preliminary Plan

A. Submission of Preliminary Plan Recommended

A Preliminary Plan may be submitted by the applicant to the Planning Board and to the Board of Health for tentative approval prior to the submission of the Record Plan, and it is strongly recommended (although not required) that a Preliminary Plan be filed in all but the simplest and least controversial cases. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. When submitting a Preliminary Plan, the applicant shall give written notice, by delivery or registered mail, to the Town Clerk, stating the date of submission of the Preliminary Plan. Submission of plans to the Planning Board shall be made at a regularly scheduled meeting of the Board.

The Preliminary Plan may be drawn on tracing paper with pencil at a suitable scale and prints shall be filed at the office of the Planning Board, and one with the Board of Health. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan, and shall show:

B. Contents of Preliminary Plan

- (1) Subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan".
- (2) The names of the record owner and the applicant and the name of the designer, engineer or surveyor.
- (3) The names of all abutters, as determined from the most recent local tax list.
- (4) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner.
- (5) The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (7) The names, approximate location and widths of adjacent streets.
- (8) The topography of the land in a general manner.

C Tentative Approval of Preliminary Plan

The Preliminary Plan, if submitted, will be studied in order to determine whether it is in accordance with the requirements of design adopted by the Board (See Section 5 B). Within sixty days after submission of a preliminary plan each board shall tentatively approve, disapprove, or approve with modifications the Preliminary Plan, noting thereon any changes that should be made. One copy of the Plan will be returned to the applicant. Tentative approval shall not become final until consideration of the Record Plan after a public hearing as required by statute and approval of such Plan.

SECTION 4

Record of Definitive Plan

A. Application for Approval of Record Plan

The Applicant shall file with the Planning Board a transparent master copy of all sheets comprising his Record Plan, two prints thereof, dark line on white background, an application for the approval of his Plan, together with a dedication agreement when applicable and a designer's certificate, each on the forms shown in the appendix hereto. The transparent master copies will be returned to the applicant after approval or disapproval. The Board of Health, Town Historian, Duxbury Drainage Committee, Tree Department, Water Department, Highway Department and Conservation Commission shall be given, by the applicant, one print of each sheet comprising the Plan and other material applicable.

The application shall be accompanied by a fee of \$30.00 plus \$20.00 each for the first 15 lots, plus \$15.00 each for the next 15 lots plus \$10.00 for each subsequent lot.

A certified check or suitable bond in amount totaling \$25.00 for each boundary monument shown on the Record Plan and as re-

quired by these regulations shall be submitted with the application if such bounds have not been installed and certified at the time of submission of Definitive Plan. Any deposit will be returned or refunded after submission of a certification from a registered land surveyor that bounds have been accurately installed.

An additional certified check or suitable bond shall accompany the application, in the amount totaling \$20.00 per lot as security for the later submission to the Planning Board of accurate Record Plan and Profile (transparent master copies) to show drainage lines and structures, water mains and appurtenances, as actually installed with sufficient ties for proper identification.

B. Form and Contents of Record Plan

The Record Plan should be prepared by a competent designer or surveyor and be clearly and legibly drawn in black India ink upon tracing cloth, or be submitted as a black line reproduction on tracing cloth in suitable overall dimensions. Whenever drainage structures are indicated, such shall be designed by a registered professional engineer in the field of civil engineering. The drawing shall be a scale of one inch to each fifty feet or such scale as the Board may accept as being adequate to show details clearly.

The Record Plan shall contain the following information:

- (1) Subdivision name, north point, date and scale.
- (2) Name and address of applicant, owner of the land and designer or surveyor.
- (3) Names of all abutters, as determined from the most recent local tax list.
- (4) Existing and proposed lines of streets, ways, lots, easements, the purposes of such easements; and public or common area within the Subdivision.
- (5) Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line and to reproduce same on the ground; all bearings to be referred to true meridian.
- (6) The location of all permanent monuments, properly identified as to whether existing or proposed.
- (7) Profiles of proposed streets, when required by the Board on a horizontal scale of fifty feet to an inch and vertical scale of four feet to an inch, unless otherwise authorized; all elevations to refer to U.S. Coast and Geodetic Survey bench marks. (Profiles may be on the same sheet as Plan if space is suitable or may be on separate tracing cloth of same dimensions as Plan sheet.) Profiles shall include the existing profile on the center line and on both exterior lines and the proposed profile on the center line of the

new way. Profiles must show on curves, all banks and grades as required by the Highway Superintendent.

- (8) Plans and profiles shall bear the proposed names of proposed streets in pencil only until after they have been approved by the Board.
- (9) Location, names and present width of adjacent streets.
- (10) Proposed system of drainage. The subdivider shall indicate drainage proposals for the buildings intended, where applicable in the opinion of the Planning Board.
- (11) Topography with two foot or other contour intervals, when required by the Board.
- (12) Layout of water mains, location of hydrants and other fittings. In cases where the subdivider or other builder is constructing the buildings simultaneously, he shall submit his proposed layout of sewage disposal systems. When required by the Board the design shall be made by a professional engineer. Typical septic tanks, cess-pools and drainfields shall be shown or described in detail; variations in soil conditions and in size and arrangement of disposal systems shall be indicated accurately.

C. Lot Size and Frontage

All lots intended for building shall be of such size and dimensions and have frontage to meet or exceed the minimum requirements of the Zoning By-Laws.

Attention is directed to Section 7A (enacted 1957) of Chapter 40A (Zoning Enabling Act) of the Massachusetts General Laws, which section defines the relationship that changes in zoning requirements bear to land subdivision in accordance with an approved Definitive Subdivision Plan. It is quoted as follows:

Section 7A. "Notwithstanding any other provision of law, no amendment to any zoning ordinance or by-law shall apply to or affect any lot shown on a Definitive Subdivision Plan for residences which has been previously approved by a planning board until a period of three years from the date of such approval has elapsed, provided said lot complies with the provisions of the zoning ordinance or by-law existing at the time of said approval."

D. Boundary Marks and Monuments

The Board will not approve a Record Plan unless the Plan includes the installation of monuments of stone or concrete at all intersections of streets with each other, or with tract boundary lines and at all lines of streets where there is a change in direction or curvature. Such monuments shall conform to the standard specifications of the Massachusetts Land Court and shall be set according to such specifications.

E. Notice to Town Clerk

The applicant, at the time of filing his application, shall send to the Town Clerk by registered mail, postage prepaid, notice that he has submitted a final plat to the Planning Board for approval. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted.

F. Record Plan of Utilities

An accurate record plan and profile shall be submitted to the Planning Board after completion of the construction, showing drainage lines and structures, water mains and appurtenances, as actually installed with sufficient ties for proper identification.

SECTION 5

Requirements for Approval of a Subdivision

A. Suitability of Land

- (1) No Definitive Plan of a subdivision of land shall be approved unless, after investigation and consultation with the Board of Health, The Planning Board determines that the land can be used without danger to health.
- (2) For the protection of health, the Planning Board, or the Selectmen, or their Representatives will deem that any lot or portion thereof suitable for the erection of a dwelling must be at least 6' in elevation above the nearest water body, marsh, bog or swamp as shown on the current edition of the U. S. Coast and Geodetic Survey or as authorized by the Board of Appeals, or at least 4 ft. above the ascertained ground water level.
- (3) Buildings of light construction such as duck blinds, boat houses, bath houses and buildings for similar recreational uses, excluding any building for continuous or seasonal human habitation may be erected on sites below the elevations prescribed in (2) above by written permission of the Board of Health.
- (4) As required in Section 4, the subdivider shall file one print of all sheets making up the Record Plan with the Board of Health. Such Board shall review the plan and, within forty-five days after the plan is so filed, report to the Planning Board in writing rendering approval or disapproval. In the event of disapproval the Board of Health shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure to report within the time stated above shall be deemed approval.

Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which said condition applies.

B. Suitability of Design of System of Ways

The Board shall consult with the Highway Superintendent with respect to the adequacy of the proposed street plan. No plan of a subdivision shall be approved unless the ways and streets shown on the plan comply with the following requirements.

Location and Alignment

- (1) The street system shall conform to the Study Plan, if any, of proposed principal streets as at any time previous to the submission of the plan adopted in whole or in part by the Board.
- (2) Streets shall be continuous with existing streets, as far as practicable.
- (3) Provision shall be made for the proper projection of streets, if adjoining property is not subdivided.
- (4) The minimum center-line radii of streets shall be one hundred feet; greater radii may be required for principal streets. All streets must be designed to permit safe vehicular travel.
- (5) Any dead-end street shall be provided with a circular turn-around at the end having a curb radius not less than forty-five feet.
- (6) No street shall intersect any other street at less than a sixty degree angle unless specifically approved by the Planning Board.
- (7) Reserve strips prohibiting access to streets by adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

Width

- (1) Minimum width of minor street rights-of-way shall be forty feet. The Planning Board may designate certain streets within a subdivision as principal streets requiring right-of-way of fifty-five feet in width.
- (2) Street lines at intersections shall be cut back so as to provide for curb radii of not less than twenty feet. In case of the intersection of ways in the subdivision with existing public ways of importance, greater curb radii will be required.

Grades

- (1) Grades of all streets shall be the reasonable minimum, but shall not be less than 0.5% nor more than 6% for principal streets, nor more than 12% for minor streets. General slope of Grades at all intersections shall be 3% maximum desirable, but not exceed 6% for a distance of at least 64 feet from beginning of intersection. In addition, proposed roads shall have a slight negative grade when intersecting with existing roads at or within 50 feet of the beginning of the intersection.

Street Cross Section

- (1) The following shall be the minimum provided for streets. The Board may require additional lanes, widths, etc., where the use requires such increases. Cross sections shall conform to Figures 1 and 2 herewith. 
- a) Two ten foot paved lanes for travel.
- b) At least four feet of width on each side, graded approximately to the profile of the street, sloped toward the edge of the paved roadway unless otherwise authorized.
- c) The location of the roadway shall conform to the cross section shown in Figure 1.
- d) Except by permission of the Board, all wires for electricity, telephones or similar distribution systems shall be underground.
- e) A Pole and associated overhead structures, for use for Police and Fire Alarm Boxes and any similar Municipal equipment or for use for Street Lighting, of a design approved by the Planning Board, shall be installed at each intersection and at such other locations as designated by the Board.
- f) All poles for Telephones, Electric Lights or other wires shall be located at least five feet from the outer edge of Roadway.

Easements

- (1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty feet wide.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

Street Names

- (1) Names of all streets in the Subdivision must be reviewed by the Town Historian before final approval by the Board.

C. Public Open Spaces and Protection of Natural Features

Before approval of a Plan the Board may in proper cases require that the Plan include park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and the prospective uses of such land.

The Board may by appropriate endorsement on the plan require that no building be erected upon such parks for a period of not more than three years without its approval. This land shall be made available for purchase by the Town. Failure to purchase within three years shall free the owner from restrictions.

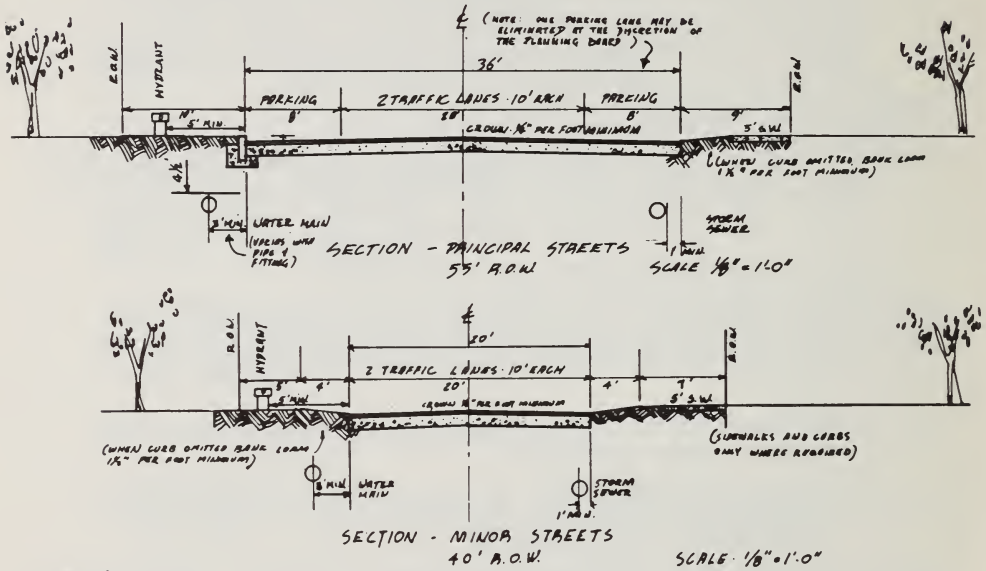


FIGURE 1

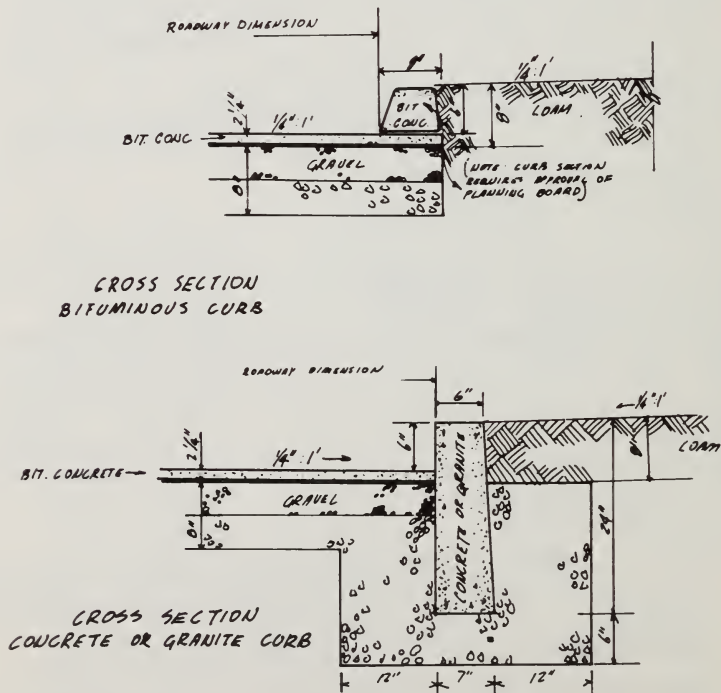


FIGURE 2.

CURB DETAILS SCALE 1" = 1'-0"

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the property.

D. Lot Numbering

The numbering of the lots must be approved by the Board.

E. Allowance of Variation in Special Cases

A variation of the requirements of this Section may be permitted when, in the opinion of the Board, topography or other consideration necessitates such variation.

F. Street Construction Requirements

- (1) Laying out of streets by the Town as Public Ways. If the applicant has petitioned for the laying out of any or all of the ways in the subdivision as town ways, and has agreed to pay to the Town the cost of laying out and construction as provided in Section 8, the Board may conditionally waive the requirements of Section 5 with respect to such ways, pending action by the Town on the laying out and acceptance thereof.
- (2) Streets, roadways, and sidewalks
 - a) Clearing and Grubbing. The entire area of each right-of-way shall be cleared of all stumps, brush, roots, boulders, and like material and all trees not intended for preservation.
 - b) All top soil shall be removed for the full length and width of the paved roadway, and from under sidewalk location when sidewalk is required, regardless of whether or not finished grade is above existing grade.
 - b) All other material shall be removed for the full length and width of the roadway, to a depth of at least fifteen inches below the finished grade as shown on the profile plan; provided, however, that if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, or any other material detrimental to the subgrade, a deeper excavation below the subgrade shall be made; as required by the Planning Board.
 - c) All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with gravel as specified below to a width of eight feet wider than the required paved roadway except where curbs are used. Crown shall be a minimum of $\frac{1}{4}$ " per foot.
 - d) Street construction specifications shall be as follows:

After the road has been carefully graded to an elevation 15" below the finished grade, 8" of base gravel shall be spread and rolled with a roller of sufficient weight to achieve 95% compaction of gravel. Gravel shall meet the specifications of the Commonwealth of Massachusetts and shall consist of hard, durable stone

and coarse sand practically free from loam and clay, uniformly graded and containing no stone having any dimension greater than 6 inches or as specified by the Highway Superintendent. When spread on the road and rolled, it shall form a stable foundation.

The grading shall conform to the following requirements:

passing $\frac{3}{8}$ " sieve	70 % max.
passing #10 sieve	50 % max.
passing #200 sieve	5 % max.

If in place material meets the Commonwealth of Massachusetts specifications it may be used as a base provided it is first scarified and then compacted to an 8 to 12 inch base. All banks and curves must be established before any of the base of the wearing surface can be applied.

The wearing surface shall consist of $2\frac{1}{2}$ ", after compaction, of Class I, Type I-1 plant mixed bituminous concrete, composed of materials and prepared in conformity with the most recent "Standard Specifications for Highway and Bridges" of the Massachusetts Department of Public Works. It shall be applied in two courses, $1\frac{1}{2}$ " thickness standard bottom course and 1" thickness top course, in conformity with detailed specifications afore mentioned. Spreading and rolling also shall be in accordance with these Specifications. At the discretion of the Planning Board the wearing surface may consist of a 3" thick bituminous road-mix surfacing applied above the required 12" gravel base.

Such mixed-in-place surfacing shall contain materials and be applied in accordance with the Specifications of the Massachusetts Department of Public Works for Class C Bituminous Road-Mix Surfacing, Type C-2 (crushed stone) see Standard Specifications for Highways and Bridges, 1953 or later edition, published by the Massachusetts Department of Public Works.)

- e) The plan shall include a detailed design to adequately dispose of surface water. Said design shall be of minimum subsequent maintenance. The Design shall include, but not be limited to the following:
1. A drainage plan prepared by a Registered Civil Engineer and showing existing and proposed streets, lots, 2-ft. contours, and other pertinent data; the drainage limits and acreage of the area tributary to each stormwater inlet and culvert; location and type of inlets proposed; and location, size, length, invert elevations and slope of proposed drains and culverts. Structural details of inlets, manholes, pipe, headwalls, and all other drainage structures required to complete the plan shall be attached. (The grading plan may be used provided that it includes all the information required here.)
 2. A basis of design using the Rational Method with a rainfall intensity corresponding to a 15-year frequency storm and a runoff coefficient based on sandy soils. The Engineer shall use a higher intensity if he believes it appropriate. A runoff of 1.2 inches per hour will be satisfactory for residential subdivisions of 10 acres or less in areas zoned for lots of 40,000 or more square feet.
 3. A stormwater runoff computation for each section of drain or culvert which includes the location of the section, the increment and total area tributary to the section, the percentage of impervious surfaces, the runoff per acre, the design runoff, and the size, slope, velocity and capacity of the pipe serving the section. This may be in tabular form.
 4. All surface drainage shall terminate into flowing water or into a ditch connected to flowing water except when, in the opinion of the Planning Board, such termination is undesirable. Sufficient easements must be procured to comply with this requirement. Alternately or additionally, the Planning Board may require the drainage recommendations of the Duxbury Drainage Committee be complied with.

5. A certificate signed by the Engineer with his seal, which states that the drains, culverts, and appurtenances have been constructed in accordance with the drainage plan. The certificate shall be submitted after all drainage facilities have been completed and have been checked and approved by the Engineer. An as-built plan shall be submitted at this time and shall show all drainage structures as finally built. Final approval of the drainage plan by the Planning Board is contingent upon the receipt of the certificate and the as-built plan.
Minimum pitch of storm drains shall be 0.5%; minimum size of pipe shall be 12" diameter. Storm drains shall be reinforced concrete or reinforced concrete pipe. All catch basins shall have open throat (drop inlets) to be located two (2) feet back from pavement.

Pipe joints shall be carefully made up so that the spigot is tightly butted to the seat of bell and the spacing between the spigot uniformly proportioned and caulked with loose or braided jute. The joints shall be filled with cement in all cases. All utility trenches shall be filled with bank gravel carefully compacted, and leveled with adjacent grades. When not in roadway or shoulder, 4" of loam shall be placed over trench fill, grades being leveled with adjacent terrain. All drains shall be laid to uniform grades and carefully back filled so that pipe is supported throughout its entire length with compacted earth.

Catch basins shall have a 2' sump except those basins used as a joint catch basin and manhole where the storm water is passing through the bottom of the basin as a part of the storm line. In such cases a shaped concrete bottom 8" in thickness shall be provided allowing a smooth flow of water through the basin with sufficient pitch for self-cleaning velocities. For catch basins other than combination manholes, the bottom slab may be either 8" of poured concrete or precast pie shaped concrete slabs, laid with open joints; the specifications for such materials and installation shall be in accordance with those of the Highway Superintendent of the Town of Duxbury. There shall be a poured concrete footing 8" thick under the block or brick walls of such basins, unless such is omitted by written permission of the Highway Superintendent. Wall thickness shall be no less than 8", diameter as prescribed by the Highway Superintendent.

The materials and construction of catch basins shall conform to the Specifications of the Massachusetts Department of Public Works, using heavy duty frame and cover. (See "Standard Specifications for Highways and Bridges", published by the Massachusetts Department of Public Works). Any change in alignment or grade, if not normally the location of a catch basin, shall be made by using a standard manhole conforming to the above specifications.

Under curb drainage may be required by the Planning Board in instances where ground water conditions necessitate it to drain the base course of the road.

Where natural drainage courses are obstructed, cross drains and other structures, approved by the Superintendent of Streets shall be installed to restore natural drainage. Capacity of such structures shall be determined on the basis of fifteen year storm intensity.

Where cross drains carry flow of natural water courses, masonry headwalls or rip-rap shall be installed, as approved by the Superintendent of Streets, to prevent erosion.

- f) Subsurface drainage from foundation drains, roof leaders and other sources:

In cases where underground drainage is required in connection with the erection of buildings or the use of any lot, such underground lines may be connected to the storm drains in the proposed streets under the following conditions:

- 1) In cases where a residence is constructed such as to have no clean out, floor drain or other opening accessible from the house into the subsurface drainage line from said house to the storm drainage line in the new way, the drain from the house may be tied into the street drain at a "Y" connection or other type of connection in accordance with the requirements of the Superintendent of Streets.
- 2) In cases where residences are constructed or planned to have a clean out, floor drain or other opening into the subsurface drainage line from said houses to the storm drainage line on the new way, the drain from each house must pass through a clean out box, constructed to conform to the standards determined by the Superintendent of Streets. The drain from the clean out box shall be at least 4" in diameter and may be tied into the street drain at a "Y" connection or other type of connection approved by the Superintendent of Streets. More than one house may be served by one clean out box. Such clean out boxes shall be immediately outside the exterior lines of the new way.
- 3) In both cases (1) and (2) above, all drainage lines from residences shall be constructed of vitreous clay pipe, laid with closed cemented joints and carefully installed on compacted bed. Minimum size for such drains shall be 4" in diameter.

Attention is directed to Section 4, paragraph E which requires the submission of a final plan showing drainage lines and structures as actually constructed.

- g) Sidewalks may be required on one or both sides of streets when, in the opinion of the Planning Board, such is necessary. The profile, dimensions and location shall be as shown in the Figure 1 herein. The grade shall be at least 6" above the adjacent roadway. Sidewalks shall be in accordance with either specification (1) or (2) below.

- 1) 4" thick cement concrete, reinforced with No. 4, 4" x 6" mesh, 2,500 lb. concrete, wood float finished, laid on a base of at least 6" of well compacted bank gravel. An expansion joint (3/4" open) shall be provided at least every 20'; dividing joints shall be scored into walk every 4'. Base gravel material shall be in accordance with the specifications outlined above for street construction, provided that no stone shall have a dimension in excess of 2 1/2". It shall be compacted to 95%.
- 2) Bituminous concrete: the foundation shall be 6" of bank gravel as specified in (1) above (material and compaction). The wearing surface shall be laid in two courses, a 1" bottom course and a 1" top course, thickness measured after compaction. The material and application shall conform to the specifications outlined in paragraph F, (2), d) of this Section for the roadway surfacing. All edges of the walks shall be formed with wood screeds which are securely anchored and left in place.

- h) Curbing: Granite or 2,500 lb. Portland Cement concrete curbs may be required where, in the opinion of the Planning Board, such curbs are necessary to prevent erosion and to control water run off. When permitted by the Board bituminous concrete lip curbing of approved cross section may be provided instead of concrete or granite. Paving and base construction shall be extended the full width under bituminous concrete curbing. Straight ended granite curb inlet stones shall be used in all instances. Concrete curbing may be either pre-cast or poured in place (with expansion joints at least every 20'). Granite and concrete curb shall have cross sections of at least the sizes described below:

granite: 6" minimum width at the top; 4"
minimum at bottom
17" minimum depth

concrete: 6" minimum width at the top; 7"
minimum at bottom
24" minimum depth

Curbs shall be set on at least 6" of compacted bank gravel and in accordance with the cross section shown in Figure 2.

i) Topsoil and its Removal:

- 1) On grass strip areas, at least 4" of topsoil (depth after compaction) shall be applied. Seeding of lawn grass shall be done after building construction has been completed on the particular lots adjacent.
- 2) No removal of loam from the development shall be made until an 8" thickness of compacted loam shall be provided throughout the entire area of all lots and on the planting strips along the roadway. Only such areas as roadways, driveways, building sites and areas requiring filling may be stripped of topsoil. Only surplus loam after the above requirements have been met may be disposed of elsewhere.

G. Water Service Requirements

The following requirements shall apply in the case of any subdivision adjacent to existing or planned water mains anywhere in the Town of Duxbury.

- (1) When submitting the plan for approval the applicant shall refer a copy of plans to the Water Commissioners of the Town of Duxbury for approval as to the adequacy of the proposed water facilities.
- (2) The applicant shall bear the cost of installing adequate water mains and related equipment such as hydrants and shut-off valves and services to each lot in the subdivision.
- (3) The water facilities shall be installed under the direction and supervision of the Duxbury Water Department and according to its specifications. Arrangements shall be made for inspection by the Water Department before trenches are backfilled.

- (4) The water facilities shall be installed in advance of the surfacing of the roadway.
- (5) In instances in which the water line is outside the finished roadway, the trench shall be filled to within 4" of the surface, (after compaction), 4" of topsoil shall be placed to bring the level of the trench fill to be even with that of adjacent terrain.
- (6) The applicant shall agree that any water mains or pipes installed by him may be tapped by the Duxbury Water Department and extended and used by the Town, at its own expense.
- (7) The applicant shall further agree that upon the acceptance of the ways in the subdivision as Town ways, all water mains and equipment installed by him shall become the property of the Town of Duxbury.
- (8) In the case of a subdivision located in a place where there is no public water supply in the adjacent streets, and none is likely to be installed in the immediate future, the Water Commissioners of the Town may recommend and the Planning Board may waive the foregoing requirements.

H. Street Signs

The developer shall furnish and erect street signs to designate the name of each street in his development; said signs shall conform to the specifications of those used by the Town and shall be located as directed by the Planning Board.

I. Trees

Every effort shall be made to preserve the existing trees on the right of way and on the lots to be sold. Filling and cutting of roadways shall be done in such a manner as to preserve the trees whenever possible. The Planning Board may require that the subdivider shall provide and plant suitable shade trees spaced not less than forty feet apart along the way. Variety to be approved by the Planning Board. Trees to be planted shall have a minimum height of twelve feet and shall be of at least two inch caliper at a height of forty-two inches from ground level. All trees shall be planted within the way lines except that with written consent of the owner, trees may be planted up to twenty feet from the exterior lines of the way if deemed desirable by the Planning Board.

J. Construction Standards

The construction of these facilities shall be made only during weather and under conditions allowing for the fulfillment of good construction standards.

K. Cleaning Up

Upon completion of all work on the ground, the subdivider shall remove from the streets and adjoining property, all temporary structures and all surplus material and rubbish which may have accumulated during construction, and shall leave the work in a neat and orderly condition.

L. Maintenance

If released from restrictions with regard to sale of lots or building on lots by the posting of a Performance Bond, the subdivider shall maintain the roads for vehicular travel in a manner satisfactory to the Board. Further, the subdivider shall maintain the completed roads in a subdivision in a condition which meets all the above requirements to the satisfaction of the Board either until acceptance of such roads by vote of the Town, or for a period of one year from the release of check, bond, or all restrictions pertaining to the subdivision.

SECTION 6

Sanctions to Enforce Construction of Proposed Improvements

The subdivider may elect to proceed under either of the two forms of guarantee of performance outlined herein. The purpose of requiring such guarantees is to insure that the required street improvements will be completed either before any lot is sold or built upon or within a reasonable time thereafter.

A. Requirements of Bond or Surety (Form 4a or 4b)

Before approval of a Definitive Plan of a subdivision, the subdivider shall file a performance bond or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 5. The amount of the bond or deposit shall be based upon cost estimates of required work. Such bond or security if filed or deposited shall be contingent on the completion of such improvements within one year of the date of the bond or within such further time as the Board may allow beyond said one year period, if satisfied that the applicant is proceeding with his undertaking in good faith and with reasonable expedition.

B. Final Approval under Covenant (Form 9)

Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified herein are constructed and installed so as to serve the lots adequately. Such conditions shall be contained in a separate covenant (Form 9) which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements for any lots in a subdivision, he may request a Release of Conditions for said lots, (Certificate of Performance, Form 7).

C. Release of Restrictions or Return of Bond or Deposit

Upon the completion of ways and the installation of municipal services in accordance with the rules and regulations of the Planning Board, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such

bond, deposit or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant, and said Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond and return the bond or deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with its rules and regulations and upon failure so to do within forty-five days after the receipt by said Clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

SECTION 7

Procedure on Applications

A. Notice and Hearing

Before final and definitive approval of a Record Plan is given, a public hearing will be held by the Board. Such hearing shall be held within thirty days of the date of the filing of the application. Notice of the hearing shall be given at least ten days prior thereto, by advertisement in a newspaper of general circulation in the Town and by sending a copy of such advertisement by certified mail, postage prepaid and return receipt requested, to all owners of real estate abutting upon the land included in such plat, as appearing upon the most recent tax list, and to all mortgagees of record, if any, known to the Board, of the land within the proposed subdivision.

The Board shall arrange and pay for the publication and transmission of the notices of the hearing, and, not less than twenty-four hours before the date assigned for the hearing, shall file with its secretary a list of the persons notified and the addresses to which the notices were sent a statement of the capacity in which they were notified, the return postal receipts, and a copy of each edition of the newspaper in which the notice was published. Any objection to the sufficiency of the notice may be raised at the hearing. After the hearing the Board will cause the excess, if any, of the filing fee over the actual cost of giving notice of the hearing to be repaid to the applicant.

B. Final Action by Board

After the hearing required in Section 7 A the Board shall approve, modify and approve, or disapprove, each application and

plan submitted to it, shall file a certificate of its action with the Town Clerk, and send a copy thereof by mail, postage prepaid, to the applicant. Failure of the Board to take final action regarding a plan submitted to it within sixty days after such submission shall be deemed to be an approval of such plan. Final approval, if granted, shall after twenty days (mandatory time required by Section 81V of the Subdivision Control Law) be attested on the original drawing of the record plan by the signatures of a majority of the members of the Board, and the drawing shall be returned to the applicant on his request and shall be recorded by him in the Registry of Deeds of Plymouth County within fifteen days after the date on which his plan was endorsed. The applicant shall not sell, or offer to sell, any lots in the subdivision until such drawing of his plan is so recorded.

SECTION 8

Laying Out of Ways in a Subdivision as Public Ways

Final approval of a definitive or record plan shall not of itself constitute the laying out or acceptance by the Town of any way shown on such plan as a Town way, or the establishment as a public improvement for which the Town is responsible for any park, playground, reserved area or other work or improvement shown on the plan.

The ways shown on such plan shall not become public ways unless and until laid out and accepted as Town ways under the provisions of Sections 21 to 24 inclusive of Chapter 82 of the General Laws, and such ways, if not laid out and accepted as Town ways, shall not be opened to public use unless such opening has been approved in the manner provided in Section 74 of Chapter 41 of the General Laws.

The Board will ordinarily not report favorably upon the laying out of a Town way within a proposed subdivision, or approve the opening of a way therein for public use, unless the owner of the subdivision has caused such way to be located and constructed in accordance with the provisions of these Rules, Regulations and Requirements, or, in the case of the laying out of a Town way, has agreed to pay the cost of laying out and constructing such way through betterment assessments under Chapter 80 of the General Laws or in some other equally effective manner.

SECTION 9

Changes and Alterations

No changes or alterations shall be made in an approved Definitive Plan without resubmitting the changes for approval of the Planning Board (See Sections 81-O and 81-W of Chapter 41 of the General Laws of Massachusetts). For the purposes of this paragraph, the Definitive Plan shall be defined to include all elements listed under Contents of the Definitive Plan in these regulations.

Any alterations in grades, drainage plans or other utilities shall be deemed to constitute a change in the Definitive Plan.

SECTION 10 Special Circumstances

In the event any of the foregoing Rules and Regulations do not fully cover a special or unforeseen or unique circumstances arising from a proposed subdivision, the Planning Board may make a reasonable determination, interpretation or extension of its Rules and Regulations to resolve the aforesaid circumstances.

SUBDIVISION CONTROL CHECKLIST

Duxbury Planning Board

I. Identification

1. name of subdivider
address
2. description of land

II. Plan Believed not to Require Approval (action required within 14 days)

1. date plan received
2. date Form 8 received
3. action taken (include date):
4. date of notice to Town Clerk
5. date plan returned to applicant

III. Preliminary Plan

1. date preliminary plan received (2 copies)
2. date Form 1 received
3. comments
4. comments by abutters:
5. report from Board of Health:
6. action by Planning Board:

IV. Definitive Plan — Number of Lots

1. date definitive plan received
fee received
Form 2 received
additional drawings received:
deposit for monuments received (\$25 per monument)
certified copy of list abutters received
\$10.00 per lot deposit received for utilities plan
2. written approval received from the Board of Health
(must be received within 45 days)
3. Record Plan of Utilities received.
refund of deposit of \$10.00 per lot

SUBDIVISION CONTROL CHECKLIST — 2

Duxbury Planning Board

V. Estimate of Cost* (when bond is employed)

item	estimate	approved by
grading		
storm drainage		
water		
road		
curbs and gutters		
monuments		
sidewalks		
trees		
landscaping		

electricity
street signs
fire alarm system
other
Contingency:

*Department estimates are only a guide to the Planning Board in determining the size of bond or deposit. It is the responsibility of the Planning Board to determine the amount required.

VI. Guarantee

form of guarantee	amount (of bond or deposit)
final approval with bond	
final approval with deposit	
final approval with covenant	

VII. Public Hearing

1. date notice sent to abutters
2. date of newspaper notice
3. date hearing held
4. comments:

VIII. Action of Planning Board

1. rejected
2. returned to owner for further work
3. revisions voted
4. final approval granted
 - a. Condition to approval
5. approval because of inaction of the Planning Board for 60 days after submission of the Definitive Plan

SUBDIVISION CONTROL CHECKLIST — 3

Duxbury Planning Board

IX. Report To Town Clerk

1. date of record of certified vote (Town Clerk)
2. date of notice sent to owner
3. appeals filed:
4. final approval noted on Definitive Plan (20 days after receipt of certified vote by Town Clerk)

X. Inspections

work inspected	date	inspector	comments
grading			
storm drainage			
water			
roads			
curbs and gutters			
monuments			
sidewalks			
trees			
landscaping			
electricity			
street signs			

fire alarm systems
other

IX. Approval of Completion

1. release of bond or security voted
 - a. Town Treasurer notified
2. release of bond or security on part of the subdivision (if bonded in sections)
 - a. Town Treasurer notified
3. Release of conditions on the following lots:
 - a. Registry of Deeds notified
4. release of conditions on the whole subdivision
 - a. Registry of Deeds notified
5. Amount of Deposit returned

FORM 1

APPLICATION FOR TENTATIVE APPROVAL OF A PRELIMINARY PLAN

File one completed form with each: the Planning Board, the Board of Health, and the Town Clerk.

Duxbury, Mass.

19

To the Planning Board:

To the Board of Health:

The undersigned herewith submits the accompanying Preliminary Plan of the property located in the Town of Duxbury for tentative approval as a subdivision under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations Governing the Subdivision of Land in the Town of Duxbury.

A list of names and addresses of the abutters of this subdivision is attached. These names are as they appear on the most recent tax list.

1. Name of Subdivider

Address

2. Name of Engineer or Surveyor

Address

3. Deed of Property Recorded in

Book

Page

Registry,

4. Location and Description of Property:

Signature of Owner

Address

Two contact prints of all sheets making up the Preliminary Plan shall be filed with the Planning Board, one of each with the Board of Health.

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File two completed forms with the Planning Board, one with the Town Clerk, and one with the Board of Health.

Duxbury, Mass.

19

To the Planning Board:

To the Board of Health:

The undersigned herewith submits the accompanying Definitive or Record Plan of the property located in the Town of Duxbury for approval as a subdivision under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations Governing the Subdivision of Land in the Town of Duxbury. A list of the names and addresses of the abutters of this subdivision is attached. These names are as they appear on the most recent tax list.

1. Name of Subdivider

Address

2. Name of Engineer or Surveyor

Address

3. Deed of Property Recorded in

Book

Page

Registry,

4. Location and Description of Property:

5. The following are all the mortgages, liens, easements, restrictions and other encumbrances on the whole or any part of the land:

6. The following are the easements and restrictions appurtenant to said land over the land of others:

7. Check where applicable:

____No Preliminary Plan of this proposed subdivision has been submitted to the Board.

____A Preliminary Plan of this proposed subdivision, to which this plan conforms, was tentatively approved by the Board on

19

____with modifications, which modifications have been incorporated in the plan herewith submitted.

8. The applicant(s) covenant(s) and agree(s) for himself(them-selves) and his (their) heirs, executors, administrators, successors and assigns:

a) To construct and complete the proposed ways as finally approved by the Board (and the water facilities thereon) within one year from the date of this application, or within such further time as the Board may allow in accordance with the specifications set forth in these Rules, Regulations and Requirements of the Board.

- b) That before the approval of the plan to which this application relates becomes effective he(they) will cause to be filed with the Board a duly executed bond in a form satisfactory to the Board, to secure compliance with all agreements, conditions and requirements contained in his(their) application or imposed by the Board in accordance with law and the Rules, Regulations and Requirements of the Board in a penal sum equal to the full cost of constructing the ways (and installing the water facilities) shown on said plan in the manner prescribed by the Board as estimated by a contractor satisfactory to the Board, and secured either by the agreement of a surety satisfactory to the Town Treasurer of cash or United States Government bonds in an amount equal to the penal sum of the bond,
- or: The applicant(s) request(s) that the Board approve the plan to which this application relates without requiring a bond but by establishing a covenant (Form 9) to run with the land, such covenant to be properly recorded or registered, providing that on condition that no lot in the subdivision shall be sold and that no building shall be erected on any lot until the ways are completed (and the water facilities are installed) in accordance with the specifications laid down by the Board so as to adequately serve such lot, and he(they) agree(s) that if this request is granted he will fulfill such condition until compliance therewith is evidenced by a certificate of the Board.
- c) That if this application is approved he will cause the plan of the subdivision to which it relates to be recorded in the Registry of Deeds of Plymouth County within fifteen days after such approval and that he will not sell, or offer to sell, any of the lots within the subdivision until such plan is recorded.
9. This application is accompanied by an original drawing of the record plat and all other plans and maps required, and two print copies of each, all on the forms and in the manner prescribed by the Board, and a fee of ten dollars to cover the cost of giving notice of a public hearing on the application.

Witness the signature (s) and seal (s) of the undersigned applicant (s) this day of 19 .

Address of Owner

Mortgagees

Assented to

FORM 3

DEDICATION OF PUBLIC AREAS (Optional as to Streets and Ways)

The undersigned owner (s) of the land described herein do (es) hereby adopt the plan of Subdivision attached hereto or referred to herein, and do (es) hereby dedicate the (streets, ways,) parks and reserved areas as shown thereon to public use.
(insert description sufficient to identify)

And the undersigned do (es) hereby for themselves and their heirs
representatives (himself)
 (his) (itself)
 (its)

successors and assigns, release the Town of Duxbury of and from all claims for damages in case said ways or any of them are ever taken as and for public ways by said Town of Duxbury, or if said reserved areas are ever so taken for any municipal use, and agree upon request of said Town to execute and deliver any instrument necessary or proper to establish such public ways or public lands.

There are no claims against said property upon which any suits have been brought, leases, liens, contract claims, encumbrances or trusts known to the undersigned affecting said property shown in said Plan (except as follows:)

This instrument is intended to be a sealed instrument. All persons known to be the undersigned as interested in said property, other than the undersigned, have indicated their assent to said Plan of Subdivision and this dedication.

IN WITNESS WHEREOF (if individuals) we (I) have hereto set our (my) hand (s) and seal (s) (or if a corporation) a corporation duly organized under the laws of the Commonwealth of (State)

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its

hereto duly authorized this 19 day of

If individual owners: husband signs
(all husbands and wives must sign)
Wife signs

If corporate owner:
(corporate seal)
By:

Title of officer signed

The undersigned assent to the Plan of Subdivision above referred to.

COMMONWEALTH OF MASSACHUSETTS

ss.

19

Then personally appeared and
acknowledged the foregoing instrument to be his free act and deed,
before me

Notary Public

My commission expires

(to be used for individual owners)

COMMONWEALTH OF MASSACHUSETTS

ss.

19

Then personally appeared the above named and acknowledged the
foregoing instrument to be the free act and deed of

Notary Public

My commission expires

(to be used for corporate owner)

PERFORMANCE BOND — SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS

that

as Principal

and

a corporation duly organized and existing under the laws of the State of _____, and having a usual place of business in _____, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Duxbury, a Massachusetts municipal corporation, in the sum of _____ dollars.

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Plan (Form 2) signed by the Principal and dated _____.
 2. The Rules and Regulations Governing the Subdivision of Land in the Town of Duxbury, adopted by the Planning Board.
 3. The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval issued by the Planning Board dated _____.
- then this obligation shall be void; otherwise, it shall remain in full force and effect.

Whenever the Principal shall be, and declared by the Planning Board to be in default under the Definitive Plan and its Certificate of Approval, the Surety may promptly remedy the default or shall promptly:

1. Complete the Definitive Plan in accordance with its terms and conditions, or
2. Obtain a bid or bids for submission to Planning Board for completing the Definitive Plan in accordance with its terms and conditions, and upon determination by Planning Board and Surety of the lowest responsible bidder, arrange for a contract between such bidder and Planning Board and make available as work progresses sufficient funds to pay the cost of completion; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 19____

Principal

By

(Title)

Surety

By

Attorney-in-Fact

Signed and sealed in the presence of _____

FORM 4b

PERFORMANCE BOND — SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS

that
of hereby binds and
obligated himself/itself and his/their executors, administra-
tors, devisees, heirs, successors and assigns to the Town of
Duxbury, a Massachusetts municipal corporation, in the sum of
dollars, and has
secured this obligation by the deposit with the Treasurer of said
Town of Duxbury of said sum of money or negotiable securities.

The condition of this obligation is that if the undersigned or
his/its executors, administrators, devisees, heirs, successors and
assigns shall fully and satisfactorily observe and perform in the
manner and in the time therein specified, all of the covenants,
conditions, agreements, terms and provisions contained in the
following:

1. Application for Approval of Definitive Plan (Form 2) signed
by the Principal and dated
2. The Rules and Regulations Governing this Subdivision of
Land in the Town of Duxbury, adopted by the Planning Board.
3. The Definitive Plan as defined by the above Rules and Regu-
lations and as qualified by the Certificate of Approval issued
by the Planning Board dated

then this obligation shall be void; otherwise it shall remain in full
force and effect, and that portion of the aforesaid security required
to complete the Principal's obligation under this agreement shall
become the sole property of said Town of Duxbury as liquidated
damage.

IN WITNESS WHEREOF the undersigned has hereunto set
his hand and seal this day of , 19

FORM 5

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying Plan entitled
date
is correct; that it is a subdivision of (part of) (all of) the lands con-
veyed by (insert name of former owner) to (insert name of present
owner) by deed dated , and recorded in
Plymouth County Registry libro page
and that monuments have been set as indicated on the Plan.
(Designer or Surveyor)

Date

FORM 6

NOTICE OF HEARING

The Duxbury Planning Board will hold a public hearing on
(day) (month, date, year) at (time), (place) relative to the appli-
cation for approval as a subdivision the property of (owner), and
located as follows:

Secretary
Duxbury Planning Board

CERTIFICATE OF PERFORMANCE

Release of Restrictions

Duxbury, Mass.,

19 .

The undersigned, being a majority of the Planning Board of the Town of Duxbury, Massachusetts, hereby certify that the requirements for work on the ground called for by a Govenant (Form 9) dated , 19 , and recorded in

District Deeds, Book

Page , (or registered in

Land Registry District as Document No.

noted on Certificate of Title No.

Book

, Page

), have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled

recorded with said Deeds, Plan Book

Plan

Plan Book

), (or registered in said Land Registry District, Plan Book), and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated as released from restrictions:

Majority of the
Planning Board
of the Town of
Duxbury.

COMMONWEALTH OF MASSACHUSETTS

, ss.

, 19

Then personally appeared , one of the above named members of the Planning Board of the Town of Duxbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires:

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one complete form with the Planning Board and one with the Town Clerk in accordance with the requirements of Section 81P of the Subdivision Control Law.

Duxbury, Mass.,

19

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Duxbury, Mass., does not constitute a

subdivision within the meaning of the Subdivison Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdvision Control Law is not required.

1. Name of Applicant
Address
2. Name of Engineer or Surveyor
Address
3. Deed of Property Recorded in _____ Registry,
Book _____ Page
4. Location and Description of Property and Statement as to Why
Approval as a Subdivision is not Required:
Signature of Owner*
Address

FORM 9

COVENANT

The undersigned
of _____ County, Massachusetts,
hereinafter called the "Covenantor", having submitted to the
Town of Duxbury Planning Board, a definitive plan of a subdivi-
sion, entitled

dated _____ made by _____
_____ does hereby covenant
and agree with said Planning Board and the successors in office of
said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as
amended, that: —

1. The covenantors are the owners of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the approved Definitive Plan and the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots

not previously released by the Planning Board without first providing such ways and services;

5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned

wife, husband,

of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this
day of 19 .

COMMONWEALTH OF MASSACHUSETTS

ss.

19 .

Then personally appeared
and acknowledged the foregoing instrument to be free act
and deed,
before me

Notary Public

FORM 10.

CERTIFICATE OF APPROVAL

Certification of Approval shall be shown on the Definitive Plan. Reference to any qualifications and specifications shall be noted on the Plan.

The undersigned, being a majority of the Planning Board of the Town of Duxbury, Massachusetts, hereby certify that the accompanying Definitive Plan is approved for subdivision in accordance with the requirements of the Regulations Governing the Subdivision of Land.

1. Name of the Subdivider
Address

2. Description of Land

This Certificate of Approval is granted with the following qualifications and specifications:
Planning Board Members:*

COMMONWEALTH OF MASSACHUSETTS

, ss.

, 19 .

Then personally appeared
one of the above named members of the Planning Board of the Town of Duxbury, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of the said Planning Board, before me.

My commission expires:

Notary Public

